

2019 DIGEST OF BILLS

**Enacted by The Seventy-second
General Assembly
First Regular Session**



**Prepared by
the Office of Legislative Legal Services
June 2019**

DIGEST

SENATE AND HOUSE BILLS ENACTED BY THE SEVENTY-SECOND GENERAL ASSEMBLY OF THE STATE OF COLORADO

(2019 First Regular Session)

NOTE: Electronic versions of current and past Digests are available on the Official Colorado State Legislative Home Page at: www.leg.state.co.us, click on the "U.S. & Colorado Constitutions, Statutes, Session Laws, and House and Senate Rules" link.

TABLE OF CONTENTS

	PAGE
Preface - How to use the Digest	v
Legislative Statistical Summary	vii
Table A -- Bills Vetoed by the Governor	viii
Table B -- Bills Becoming Law without the Governor's Signature	viii
Table C -- Bills with Portions Vetoed by the Governor	viii
Table D -- Bills Enacted without a Safety Clause	ix
Table E -- Bills Recommended by Interim Committees which were enacted	x
Acts with June 30 and Later Effective Dates	xi
Table of Enacted Bills.	xv
Summaries of Bills:	
Administrative Rule Review	1
Agriculture.	2
Appropriations	7
Children and Domestic Matters.	12
Consumer and Commercial Transactions	20
Corporations and Associations	23
Corrections.	25
Courts.	28
Criminal Law and Procedure.	36
Education - Public Schools	48
Education - Postsecondary.	71
Elections.	80
Financial Institutions	87
General Assembly	88
Government - County	92
Government - Local.	94

Government - Municipal	100
Government - Special Districts	101
Government - State	103
Health and Environment	123
Health Care Policy and Financing	142
Human Services - Behavioral Health.	148
Human Services - Social Services	155
Insurance	160
Labor and Industry.	170
Motor Vehicles and Traffic Regulation.	176
Natural Resources	182
Probate, Trusts, and Fiduciaries.	191
Professions and Occupations	192
Property	205
Public Utilities	213
Revenue - Activities Regulation	219
Statutes.	231
Taxation	232
Transportation	241
Water and Irrigation.	245
Index	249

PREFACE

Publication of the Colorado Revised Statutes occurs several months following the end of each regular legislative session. Prior to such publication, the Office of Legislative Legal Services prepares the Digest of Bills and Concurrent Resolutions as required under section 2-3-504, C.R.S. The Digest consists of summaries of all bills and concurrent resolutions enacted by the Seventy-second General Assembly at its First Regular Session ending May 3, 2019. The summaries include the dates upon which the Governor acted and the effective dates of the bills. The Digest also includes an alphabetical subject index and several reference tables. The Digest is not a substitute for the text of the bills or for provisions of the Colorado Revised Statutes, but gives the user notice of and summary information on recent changes to the statutes.

HOW TO USE THE DIGEST

1. The summaries of bills and proposed state constitutional amendments begin on page 1. To determine the page on which the summary of a particular bill may be found, refer to the Table of Enacted Bills, beginning on page xv.
2. To identify bills by subject area, refer to the bill summaries section for that subject area or the subject index, beginning on page 1.
3. To determine the approval date and the effective date of a particular bill, refer to the information immediately following the bill summary. To determine the effective date, you may also refer to the Tables of Enacted Bills, beginning on page xv.
4. To convert a particular bill number to a chapter number in the Session Laws, refer to the Tables of Enacted Bills, beginning on page xv.
5. To identify bills that were vetoed by the Governor or that became law without the Governor's signature, refer to page vii.
6. To identify bills that were enacted without a safety clause, refer to page viii.
7. To identify bills that were originally recommended by statutory and interim committees, refer to pages ix and x.
8. For statistics concerning the number of bills and concurrent resolutions introduced and passed in the 2019 session compared to the two prior sessions, see the Legislative Statistical Summary, page vii.

9. To identify bills that have effective dates of June 30 and later, see the listings beginning on page xi.

10. The general assembly adjourned sine die on the 120th legislative day, May 3, 2019. Accordingly, the 90-day period following adjournment in which referendum petitions may be filed in accordance with section 1 of article V of the state constitution for bills that do not contain a safety clause expires on Thursday, August 1, 2019. The effective date for such bills is therefore 12:01 a.m., on Friday, August 2, 2019, the day following the expiration of the 90-day period. However, in accordance with section 1-1-106 (5), Colorado Revised Statutes, the Secretary of State has indicated that any referendum petitions must be filed on or before Thursday, August 1, 2019.

Individual copies of enacted bills and concurrent resolutions may be obtained from the House Services Office (for House material) and the Senate Services Office (for Senate material) in the State Capitol Building and will also be published in the Session Laws of Colorado 2019.

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LEGISLATIVE STATISTICAL SUMMARY

	2019		2018		2017	
	Intro	Passed	Intro	Passed	Intro	Passed
House Bills	335	242	441	267	375	235
Senate Bills	263	218	280	165	306	188
Concurrent Resolutions	3	0	7	5	3	1
Bills signed by Governor	454		421		418	
Bills becoming law without Governor's signature	0		2		3	
Bills partially vetoed by the Governor	0		0		0	
Bills vetoed by the Governor	5		9		2	
Bills referred to the People/Ballot questions	1*		1		0	

** Referred to the ballot and did not require action by the Governor.*

BILLS VETOED BY THE GOVERNOR:

H.B. 19-1212 H.B. 19-1305 S.B. 19-099 S.B. 19-133 S.B. 19-169

BILLS BECOMING LAW WITHOUT GOVERNOR'S SIGNATURE:

none

BILLS WITH PORTIONS VETOED BY THE GOVERNOR:

none

Bills enacted *without a Safety Clause**:

HOUSE BILLS

H.B. 19-1001	H.B. 19-1062	H.B. 19-1128	H.B. 19-1198	H.B. 19-1246	H.B. 19-1291
H.B. 19-1003	H.B. 19-1063	H.B. 19-1129	H.B. 19-1200	H.B. 19-1247	H.B. 19-1295
H.B. 19-1005	H.B. 19-1065	H.B. 19-1131	H.B. 19-1201	H.B. 19-1253	H.B. 19-1297
H.B. 19-1007	H.B. 19-1068	H.B. 19-1132	H.B. 19-1205	H.B. 19-1254	H.B. 19-1298
H.B. 19-1008	H.B. 19-1069	H.B. 19-1135	H.B. 19-1207	H.B. 19-1255	H.B. 19-1299
H.B. 19-1010	H.B. 19-1070	H.B. 19-1136	H.B. 19-1208	H.B. 19-1256	H.B. 19-1300
H.B. 19-1011	H.B. 19-1071	H.B. 19-1137	H.B. 19-1209	H.B. 19-1260	H.B. 19-1301
H.B. 19-1012	H.B. 19-1078	H.B. 19-1138	H.B. 19-1210	H.B. 19-1263	H.B. 19-1306
H.B. 19-1013	H.B. 19-1080	H.B. 19-1142	H.B. 19-1211	H.B. 19-1265	H.B. 19-1307
H.B. 19-1014	H.B. 19-1082	H.B. 19-1147	H.B. 19-1213	H.B. 19-1267	H.B. 19-1308
H.B. 19-1017	H.B. 19-1083	H.B. 19-1148	H.B. 19-1214	H.B. 19-1268	H.B. 19-1311
H.B. 19-1020	H.B. 19-1084	H.B. 19-1150	H.B. 19-1216	H.B. 19-1272	H.B. 19-1315
H.B. 19-1023	H.B. 19-1085	H.B. 19-1153	H.B. 19-1219	H.B. 19-1274	H.B. 19-1316
H.B. 19-1025	H.B. 19-1086	H.B. 19-1159	H.B. 19-1222	H.B. 19-1275	H.B. 19-1318
H.B. 19-1029	H.B. 19-1087	H.B. 19-1160	H.B. 19-1223	H.B. 19-1277	H.B. 19-1319
H.B. 19-1031	H.B. 19-1088	H.B. 19-1162	H.B. 19-1228	H.B. 19-1278	H.B. 19-1320
H.B. 19-1035	H.B. 19-1092	H.B. 19-1170	H.B. 19-1229	H.B. 19-1279	H.B. 19-1321
H.B. 19-1036	H.B. 19-1095	H.B. 19-1171	H.B. 19-1230	H.B. 19-1280	H.B. 19-1322
H.B. 19-1041	H.B. 19-1100	H.B. 19-1173	H.B. 19-1231	H.B. 19-1283	H.B. 19-1323
H.B. 19-1043	H.B. 19-1104	H.B. 19-1174	H.B. 19-1234	H.B. 19-1284	H.B. 19-1327
H.B. 19-1044	H.B. 19-1105	H.B. 19-1179	H.B. 19-1237	H.B. 19-1285	H.B. 19-1328
H.B. 19-1047	H.B. 19-1106	H.B. 19-1183	H.B. 19-1238	H.B. 19-1286	H.B. 19-1331
H.B. 19-1051	H.B. 19-1109	H.B. 19-1184	H.B. 19-1242	H.B. 19-1288	H.B. 19-1332
H.B. 19-1052	H.B. 19-1113	H.B. 19-1189	H.B. 19-1244	H.B. 19-1290	H.B. 19-1334
H.B. 19-1060	H.B. 19-1114	H.B. 19-1194	H.B. 19-1245		

SENATE BILLS

S.B. 19-002	S.B. 19-041	S.B. 19-082	S.B. 19-141	S.B. 19-171	S.B. 19-218
S.B. 19-004	S.B. 19-042	S.B. 19-083	S.B. 19-142	S.B. 19-174	S.B. 19-219
S.B. 19-005	S.B. 19-044	S.B. 19-085	S.B. 19-144	S.B. 19-176	S.B. 19-224
S.B. 19-008	S.B. 19-045	S.B. 19-086	S.B. 19-145	S.B. 19-177	S.B. 19-229
S.B. 19-013	S.B. 19-052	S.B. 19-088	S.B. 19-146	S.B. 19-178	S.B. 19-230
S.B. 19-014	S.B. 19-057	S.B. 19-090	S.B. 19-147	S.B. 19-183	S.B. 19-231
S.B. 19-017	S.B. 19-059	S.B. 19-091	S.B. 19-148	S.B. 19-186	S.B. 19-233
S.B. 19-018	S.B. 19-061	S.B. 19-099 v	S.B. 19-151	S.B. 19-191	S.B. 19-234
S.B. 19-020	S.B. 19-063	S.B. 19-102	S.B. 19-152	S.B. 19-192	S.B. 19-235
S.B. 19-021	S.B. 19-065	S.B. 19-104	S.B. 19-157	S.B. 19-195	S.B. 19-241
S.B. 19-023	S.B. 19-068	S.B. 19-105	S.B. 19-158	S.B. 19-196	S.B. 19-249
S.B. 19-024	S.B. 19-069	S.B. 19-106	S.B. 19-160	S.B. 19-198	S.B. 19-252
S.B. 19-025	S.B. 19-070	S.B. 19-107	S.B. 19-163	S.B. 19-200	S.B. 19-253
S.B. 19-029	S.B. 19-073	S.B. 19-109	S.B. 19-164	S.B. 19-202	S.B. 19-254
S.B. 19-035	S.B. 19-079	S.B. 19-133 v	S.B. 19-166	S.B. 19-204	S.B. 19-259
S.B. 19-036	S.B. 19-080	S.B. 19-136	S.B. 19-167	S.B. 19-205	S.B. 19-260
S.B. 19-040	S.B. 19-081	S.B. 19-138	S.B. 19-170		(v - vetoed)

* These bills become effective on August 2, 2019, or on the date otherwise specified in the bill. For further explanation concerning the effective date, see page vi of this digest. To see specific effective dates for bills, see pages xi to xiv of this digest.

Enacted bills recommended by Statutory and Interim Committees:

Capital Development Committee:				
H.B. 19-1012	H.B. 19-1020			
Colorado Commission on Uniform State Laws:				
S.B. 19-088	S.B. 19-099 v	S.B. 19-100	S.B. 19-105	
Committee on Legal Services:				
H.B. 19-1172	S.B. 19-058	S.B. 19-168	S.B. 19-241	
Early Childhood and School Readiness Legislative Commission:				
H.B. 19-1137				
Executive Committee of the Legislative Council:				
H.B. 19-1173	S.B. 19-203			
Joint Budget Committee (other than supplementals):				
H.B. 19-1214	S.B. 19-128	S.B. 19-211	S.B. 19-251	S.B. 19-258
H.B. 19-1326	S.B. 19-208	S.B. 19-212	S.B. 19-252	S.B. 19-261
H.B. 19-1331	S.B. 19-209	S.B. 19-213	S.B. 19-253	S.B. 19-262
H.B. 19-1332	S.B. 19-210	S.B. 19-214	S.B. 19-254	
Joint Technology Committee:				
S.B. 19-248				
Legislative Audit Committee:				
H.B. 19-1128	H.B. 19-1136			
Legislative Interim Committee on School Finance				
S.B. 19-094				
Opioid and Other Substance Use Disorders Interim Study Committee:				
H.B. 19-1009	S.B. 19-008			v - vetoed

Enacted bills recommended by Statutory and Interim Committees:
(cont.)

Sales and Use Tax Simplification Task Force:				
S.B. 19-006				
Statutory Revision Committee:				
H.B. 19-1011	H.B. 19-1068	S.B. 19-021	S.B. 19-046	S.B. 19-081
H.B. 19-1059	H.B. 19-1070	S.B. 19-024	S.B. 19-070	S.B. 19-082
H.B. 19-1060	H.B. 19-1071	S.B. 19-044	S.B. 19-080	S.B. 19-083
		S.B. 19-045		
Transportation Legislation Review Committee:				
H.B. 19-1023	S.B. 19-017	S.B. 19-018		
Water Resources Review Committee:				
H.B. 19-1029	S.B. 19-016	SJM 19-001	SJM 19-002	
Wildfire Matters Review Committee:				
H.B. 19-1006	S.B. 19-019	S.B. 19-020		
Sunset Review Process:				
S.B. 19-145	S.B. 19-151	S.B. 19-157	S.B. 19-162	S.B. 19-218
S.B. 19-146	S.B. 19-152	S.B. 19-158	S.B. 19-163	S.B. 19-219
S.B. 19-147	S.B. 19-153	S.B. 19-159	S.B. 19-164	S.B. 19-224
S.B. 19-148	S.B. 19-154	S.B. 19-160	S.B. 19-189	S.B. 19-234
S.B. 19-149	S.B. 19-155	S.B. 19-161	S.B. 19-193	S.B. 19-236
S.B. 19-150	S.B. 19-156			v - vetoed

Acts with June 30, 2019, and later effective dates:

June 30, 2019			
H.B. 19-1264*			

July 1, 2019			
HOUSE BILLS			
H.B. 19-1026 H.B. 19-1030 H.B. 19-1033 H.B. 19-1034	H.B. 19-1045 H.B. 19-1076* H.B. 19-1107 H.B. 19-1155	H.B. 19-1178 H.B. 19-1191 H.B. 19-1215* H.B. 19-1220	H.B. 19-1250 H.B. 19-1266 H.B. 19-1310 H.B. 19-1324
SENATE BILLS			
S.B. 19-054 S.B. 19-071 S.B. 19-108* S.B. 19-135	S.B. 19-153* S.B. 19-154* S.B. 19-155* S.B. 19-156*	S.B. 19-172 S.B. 19-193* S.B. 19-201	S.B. 19-213* S.B. 19-223 S.B. 19-232
v - vetoed * - portions only			

Acts with June 30, 2019, and later effective dates: (cont.)

August 2, 2019					
House Bills -	H.B. 19-1060	H.B. 19-1113*	H.B. 19-1184	H.B. 19-1246	H.B. 19-1295
H.B. 19-1001	H.B. 19-1062	H.B. 19-1114	H.B. 19-1189	H.B. 19-1247	H.B. 19-1297
H.B. 19-1003*	H.B. 19-1063	H.B. 19-1128	H.B. 19-1198	H.B. 19-1253	H.B. 19-1298
H.B. 19-1007	H.B. 19-1065	H.B. 19-1129*	H.B. 19-1200	H.B. 19-1254	H.B. 19-1299
H.B. 19-1008	H.B. 19-1068	H.B. 19-1131*	H.B. 19-1205	H.B. 19-1255	H.B. 19-1300
H.B. 19-1010	H.B. 19-1069	H.B. 19-1132	H.B. 19-1207	H.B. 19-1256	H.B. 19-1301
H.B. 19-1012	H.B. 19-1070	H.B. 19-1135	H.B. 19-1208	H.B. 19-1260	H.B. 19-1306
H.B. 19-1013	H.B. 19-1071	H.B. 19-1136	H.B. 19-1209	H.B. 19-1263*	H.B. 19-1307
H.B. 19-1017	H.B. 19-1078	H.B. 19-1137	H.B. 19-1211	H.B. 19-1265	H.B. 19-1308
H.B. 19-1020	H.B. 19-1080	H.B. 19-1142	H.B. 19-1213	H.B. 19-1268	H.B. 19-1311
H.B. 19-1023	H.B. 19-1082	H.B. 19-1147	H.B. 19-1214	H.B. 19-1272	H.B. 19-1315
H.B. 19-1025	H.B. 19-1083*	H.B. 19-1148	H.B. 19-1216	H.B. 19-1275	H.B. 19-1316
H.B. 19-1029	H.B. 19-1085	H.B. 19-1150	H.B. 19-1219	H.B. 19-1277	H.B. 19-1318
H.B. 19-1031	H.B. 19-1087	H.B. 19-1153	H.B. 19-1222	H.B. 19-1278	H.B. 19-1320
H.B. 19-1035*	H.B. 19-1088	H.B. 19-1159	H.B. 19-1223	H.B. 19-1279	H.B. 19-1321
H.B. 19-1036	H.B. 19-1092	H.B. 19-1160	H.B. 19-1230*	H.B. 19-1280	H.B. 19-1322
H.B. 19-1041	H.B. 19-1095*	H.B. 19-1162	H.B. 19-1231	H.B. 19-1284	H.B. 19-1323
H.B. 19-1043	H.B. 19-1100	H.B. 19-1170	H.B. 19-1234	H.B. 19-1285	H.B. 19-1327*
H.B. 19-1044	H.B. 19-1104	H.B. 19-1171	H.B. 19-1237*	H.B. 19-1286	H.B. 19-1331
H.B. 19-1047	H.B. 19-1105	H.B. 19-1173	H.B. 19-1238	H.B. 19-1288	H.B. 19-1332
H.B. 19-1051	H.B. 19-1106	H.B. 19-1179	H.B. 19-1244	H.B. 19-1290*	H.B. 19-1334
H.B. 19-1052	H.B. 19-1109*	H.B. 19-1183	H.B. 19-1245*	H.B. 19-1291	
Senate Bills -	S.B. 19-036*	S.B. 19-073	S.B. 19-141	S.B. 19-174	S.B. 19-218
S.B. 19-002	S.B. 19-040	S.B. 19-079*	S.B. 19-144	S.B. 19-176	S.B. 19-219
S.B. 19-004	S.B. 19-041	S.B. 19-080	S.B. 19-145	S.B. 19-177	S.B. 19-224*
S.B. 19-005	S.B. 19-042	S.B. 19-081	S.B. 19-146	S.B. 19-178	S.B. 19-230
S.B. 19-008	S.B. 19-044	S.B. 19-082	S.B. 19-147	S.B. 19-183	S.B. 19-231
S.B. 19-013	S.B. 19-045	S.B. 19-083	S.B. 19-148	S.B. 19-186	S.B. 19-233
S.B. 19-014	S.B. 19-052	S.B. 19-091	S.B. 19-151	S.B. 19-191*	S.B. 19-234*
S.B. 19-017	S.B. 19-057	S.B. 19-102	S.B. 19-152	S.B. 19-192	S.B. 19-235*
S.B. 19-018	S.B. 19-059	S.B. 19-104	S.B. 19-157	S.B. 19-195	S.B. 19-241*
S.B. 19-020	S.B. 19-061	S.B. 19-105	S.B. 19-158	S.B. 19-196	S.B. 19-249
S.B. 19-021	S.B. 19-063	S.B. 19-106	S.B. 19-160	S.B. 19-198	S.B. 19-252
S.B. 19-023	S.B. 19-065	S.B. 19-107	S.B. 19-163	S.B. 19-200	S.B. 19-253
S.B. 19-024	S.B. 19-068	S.B. 19-109	S.B. 19-164	S.B. 19-202	S.B. 19-254
S.B. 19-025	S.B. 19-069	S.B. 19-136	S.B. 19-166	S.B. 19-204	S.B. 19-259
S.B. 19-029	S.B. 19-070	S.B. 19-138	S.B. 19-167	S.B. 19-205	S.B. 19-260
S.B. 19-035			S.B. 19-171		
v - vetoed * - portions only					

Acts with June 30, 2019, and later effective dates: (cont.)

September 1, 2019			
H.B. 19-1011 H.B. 19-1084	H.B. 19-1201 H.B. 19-1228	H.B. 19-1274 H.B. 19-1319	S.B. 19-142 S.B. 19-229
October 1, 2019			
H.B. 19-1003* H.B. 19-1035* H.B. 19-1076* H.B. 19-1077* H.B. 19-1083* H.B. 19-1095* H.B. 19-1109* H.B. 19-1120* H.B. 19-1129*	H.B. 19-1131* H.B. 19-1166* H.B. 19-1172 H.B. 19-1240* H.B. 19-1242 H.B. 19-1245* H.B. 19-1264* H.B. 19-1290*	S.B. 19-046* S.B. 19-079* S.B. 19-153* S.B. 19-154* S.B. 19-155* S.B. 19-156* S.B. 19-159*	S.B. 19-193* S.B. 19-227* S.B. 19-228* S.B. 19-234* S.B. 19-241* S.B. 19-242*
January 1, 2020			
H.B. 19-1014 H.B. 19-1039 H.B. 19-1086 H.B. 19-1138	H.B. 19-1174 H.B. 19-1210 H.B. 19-1230* H.B. 19-1248*	H.B. 19-1267 H.B. 19-1283 H.B. 19-1328	S.B. 19-090 S.B. 19-191* S.B. 19-213* S.B. 19-224*
March 1, 2020			
H.B. 19-1263*			
May 1, 2020			
H.B. 19-1327*		S.B. 19-170	
July 1, 2020			
H.B. 19-1194 H.B. 19-1215*	S.B. 19-036* S.B. 19-086	S.B. 19-088 S.B. 19-108*	S.B. 19-224* S.B. 19-235*
v - vetoed		* - portions only	

Acts with June 30, 2019, and later effective dates: (cont.)

August 2, 2020			
H.B. 19-1113*			
January 1, 2021			
H.B. 19-1229		S.B. 19-085	
July 1, 2021			
H.B. 19-1237*		S.B. 19-079*	
July 1, 2022			
H.B. 19-1237*			
July 1, 2023			
S.B. 19-079*			
Upon proclamation of the Governor of a certain referred measure not passing:			
H.B. 19-1005			
If H.B. 19-1257 is approved by voters at the 2019 statewide election and becomes law:			
H.B. 19-1258			
v - vetoed * - portions only			

TABLE OF ENACTED HOUSE BILLS

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
1001	Kennedy, Moreno	Hospital Transparency Measures To Analyze Efficacy	Approved 3/28/2019	No Safety Clause	52	145
1002	McLachlan, Zenzinger	Leadership Profl Dev For School Principals	Approved 5/31/2019	5/31/2019	405	59
1003	Hansen, Foote	Community Solar Gardens Modernization Act	Approved 5/30/2019	No Safety Clause Portions on 8/2/2019 and 10/1/2019	360	218
1004	Roberts, Donovan	Proposal For Affordable Health Coverage Option	Approved 5/17/2019	5/17/2019	206	146
1005	Buckner, Todd	Income Tax Credit For Early Childhood Educators	Approved 5/13/2019	No Safety Clause Upon proclamation of the Governor of a certain referred measure not passing	159	235
1006	McLachlan, Fields	Wildfire Mitigation Wildland-urban Interface Areas	Approved 5/31/2019	5/31/2019	398	187
1007	Sirota, Zenzinger	Contribution Limits For County Offices	Approved 4/12/2019	No Safety Clause	97	83
1008	Kraft-Tharp, Todd	Include Career & Technical Ed In BEST Program	Approved 3/7/2019	No Safety Clause	19	59
1009	Kennedy, Priola	Substance Use Disorders Recovery	Approved 5/23/2019	5/23/2019	274	134
1010	Mullica, Gardner	Freestanding Emergency Departments Licensure	Approved 5/29/2019	No Safety Clause	324	134

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
1011	Hooton, Tate	Scope Of Manufactured Home Sales Tax Exemption	Approved 2/28/2019	No Safety Clause 9/1/2019	9	236
1012	Beckman, Fields	DPA Flex Admin Of Controlled Maintenance Payments	Approved 3/11/2019	No Safety Clause	27	111
1013	Exum, Pettersen	Child Care Expenses Tax Credit Low-income Families	Approved 5/14/2019	No Safety Clause	177	236
1014	Singer, Ginal	Retail Food Establishments Inspection & Suspension	Approved 2/28/2019	No Safety Clause 1/1/2020	11	135
1015	Arndt, Ginal	Recreation Of The Colorado Water Institute	Approved 2/20/2019	2/20/2019	7	76
1017	Michaelson Jenet, Fields	K-5 Social And Emotional Health Act	Approved 5/10/2019	No Safety Clause	156	60
1020	Roberts, Fields	Capital Development Cmt Administrative Matters	Approved 3/11/2019	No Safety Clause	28	89
1023	Saine, Marble	Foster Children Driving Licenses	Approved 5/20/2019	No Safety Clause	239	179
1024	McKean, Todd	Colorado Youth Advisory Council Review Committee	Approved 5/30/2019	5/30/2019	373	89
1025	Melton, Foote	Limits On Job Applicant Criminal History Inquiries	Approved 5/28/2019	No Safety Clause	284	173
1026	Catlin, Coram	Parks & Wildlife Violations Of Law	Approved 6/3/2019	7/1/2019	423	187
1028	Hooton, Coram	Medical Marijuana Condition Autism	Approved 4/2/2019	4/2/2019	71	226
1029	Arndt, Crowder	Republican River Water Conservation District	Approved 4/16/2019	No Safety Clause	112	247
1030	Soper, Rankin	Unlawful Electronic Sexual Communication	Approved 5/6/2019	7/1/2019	145	41
1031	Gray, Gonzales	Child Patient More Than One Primary Caregiver	Approved 5/23/2019	No Safety Clause	278	135
1032	Lontine, Todd	Comprehensive Human Sexuality Education	Approved 5/31/2019	5/31/2019	408	61

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
1033	Tipper, Fields	Local Governments May Regulate Nicotine Products	Approved 3/28/2019	7/1/2019	53	226
1034	Sullivan, Danielson	Minimum Two-person Crew On Freight Trains	Approved 3/21/2019	7/1/2019	45	219
1035	Rich, Woodward	Remove Fee Cap Elec Inspection Loc Gov Higher Ed	Approved 4/10/2019	No Safety Clause Portions on 8/2/2019 and 10/1/2019	93	198
1036	Arndt, Todd	Annual Stipends For Certified School Professionals	Approved 2/28/2019	No Safety Clause	8	61
1038	Duran, Ginal	Dental Services For Pregnant Women On CHP+	Approved 4/16/2019	4/16/2019	116	146
1039	Esgar, Moreno	Identity Documents For Transgender Persons	Approved 5/31/2019	1/1/2020	377	136
1041	Buckner, Rodriguez	Require Surgical Smoke Protection Policies	Approved 3/28/2019	No Safety Clause	62	136
1042	Gonzales-Gutierrez, Gonzales	Extend Court Jurisdiction For Vulnerable Youth	Approved 3/28/2019	3/28/2019	55	30
1043	Galindo, Danielson	Life Care Institutions Post Surety Bond As Reserve	Approved 3/28/2019	No Safety Clause	66	87
1044	Kraft-Tharp, Todd	Advance Behavioral Health Orders Treatment	Approved 3/28/2019	No Safety Clause	60	152
1045	Snyder, Ginal	Ofc Of Public Guardianship Operation Conditions	Approved 5/30/2019	7/1/2019	366	31
1047	Buentello, Danielson	Metropolitan District Fire Protection Sales Tax	Approved 3/21/2019	No Safety Clause	39	101
1050	Titone, Priola	Encourage Use Of Xeriscape In Common Areas	Approved 3/7/2019	3/7/2019	25	207
1051	Carver, Gardner	CDPS Human Trafficking-related Training	Approved 5/31/2019	No Safety Clause	404	41
1052	McCluskie, Rankin	Early Childhood Development Special District	Approved 4/3/2019	No Safety Clause	72	101

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
1055	Bird, Zenzinger	Public School Cap Constr Financial Assistance	Approved 5/21/2019	5/21/2019	246	62
1059	Arndt, Tate	Remove Redundant Language In Educator Licensing	Approved 3/11/2019	3/11/2019	30	63
1060	McKean, Zenzinger	Repeal CDPHE Health Facility Life Safety Statutes	Approved 2/28/2019	No Safety Clause	10	111
1062	Rich, Scott	Grand Junction Regional Center Campus	Approved 3/7/2019	No Safety Clause	20	111
1063	Kraft-Tharp, Gardner	At-risk Information Sharing Between County Depts	Approved 3/21/2019	No Safety Clause	46	158
1064	Sullivan, Foote	Victim Notification Criminal Proceedings	Approved 5/28/2019	5/28/2019	296	42
1065	Soper, Rankin	Public Hospital Boards Of Trustees	Approved 4/10/2019	No Safety Clause	90	137
1066	Buentello, Foote	Counting Special Education In Graduation Rates	Approved 3/7/2019	3/7/2019	16	64
1068	Arndt, Moreno	Repeal CDPHE Preparation Operational Planning	Approved 3/28/2019	No Safety Clause	63	137
1069	Jackson, Danielson	Sign Language Interpreters Title Certification	Approved 4/16/2019	No Safety Clause	114	21
1070	Arndt, Tate	CDPHE Cancer Drug Testing	Approved 3/11/2019	No Safety Clause	29	137
1071	McKean, Zenzinger	CDPHE Water Quality Control	Approved 3/7/2019	No Safety Clause	17	137
1073	Benavidez, Fields	Law Enforcement Information Sharing Grant Prog	Approved 5/28/2019	5/28/2019	300	112
1076	Michaelson Jenet, Priola	Clean Indoor Air Act Add E-cigs Remove Exceptions	Approved 5/29/2019	Portions on 7/1/2019 and 10/1/2019	337	138
1077	Roberts, Tate	Pharmacist Dispense Drug Without Rx In Emergency	Approved 3/21/2019	Portions on 3/21/2019 and 10/1/2019	40	199
1078	Lewis, Marble	Landowner Consent Listing National Register	Approved 4/12/2019	No Safety Clause	99	112

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
1080	Bockenfeld, Cooke	Benefits For First Responders With A Disability	Approved 5/20/2019	No Safety Clause	222	112
1082	Catlin, Coram	Water Rights Easements	Approved 3/28/2019	No Safety Clause	54	207
1083	Hooton, Williams A.	Athletic Trainers License	Approved 3/28/2019	No Safety Clause Portions on 8/2/2019 and 10/1/2019	61	199
1084	Gray, Zenzinger	Notice To Property Owners Whether Area Blighted	Approved 3/21/2019	No Safety Clause 9/1/2019	47	96
1085	Exum, Zenzinger	Grants For Property Tax Rent & Heat	Approved 5/20/2019	No Safety Clause	228	113
1086	Duran, Pettersen	Plumbing Inspections Ensure Compliance	Approved 4/16/2019	No Safety Clause 1/1/2020	109	199
1087	Soper, Woodward	Local Public Meeting Notices Posted On Website	Approved 4/25/2019	No Safety Clause	134	96
1088	Buck, Donovan	Modify Income Tax Credit Health Care Preceptors	Approved 5/30/2019	No Safety Clause	363	237
1090	Gray, Gonzales	Publicly Licensed Marijuana Companies	Approved 5/29/2019	5/29/2019	342	227
1092	Valdez A., Ginal	Animal Ban For Cruelty To Animals Conviction	Approved 5/1/2019	No Safety Clause	137	42
1095	Cutter, Fields	Physician Assistants Supervision & Liability	Approved 6/3/2019	No Safety Clause Portions on 8/2/2019 and 10/1/2019	411	200
1098	Gray, Lee	Deeds To Convey Real Property	Approved 3/7/2019	3/7/2019	18	208

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
1100	Geitner, Bridges	Prohibit Use Restriction On School District Prop	Approved 3/15/2019	No Safety Clause	36	64
1104	Ransom, Lee	Rights Of Persons Ofc Respondent Parents' Counsel	Approved 3/7/2019	No Safety Clause	14	14
1105	Mullica, Marble	Nurse Practitioner Workers' Compensation	Approved 4/4/2019	No Safety Clause	77	201
1106	Titone, Pettersen	Rental Application Fees	Approved 4/25/2019	No Safety Clause	129	208
1107	Coleman, Fields	Employment Support Job Retention Services Program	Approved 5/28/2019	7/1/2019	322	174
1109	Hooton, Pettersen	Convalescent Centers As Pharmacies	Approved 3/7/2019	No Safety Clause Portions on 8/2/2019 and 10/1/2019	23	201
1110	Cutter, Pettersen	Media Literacy	Approved 6/3/2019	6/3/2019	412	64
1113	Roberts, Donovan	Protect Water Quality Adverse Mining Impacts	Approved 4/4/2019	No Safety Clause Portions on 8/2/2019 and 8/2/2020	73	190
1114	Catlin, Danielson	Agriculture Commissioner Farm Produce Safety	Approved 4/4/2019	No Safety Clause	74	4
1118	Jackson, Williams A.	Time Period To Cure Lease Violation	Approved 5/20/2019	5/20/2019	230	31
1119	Coleman, Foote	Peace Officer Internal Investigation Open Records	Approved 4/12/2019	4/12/2019	96	113
1120	Michaelson Jenet, Fenberg	Youth Mental Hlth Ed & Suicide Prevention	Approved 5/16/2019	Portions on 5/16/2019 and 10/1/2019	197	152
1122	Buckner, Fields	CDPHE Maternal Mortality Review Committee	Approved 5/16/2019	5/16/2019	196	138

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
1124	Benavidez, Foote	Protect CO Residents From Federal Gov Overreach	Approved 5/28/2019	5/28/2019	299	114
1127	Garnett, Fenberg	Lieutenant Governor Concurrent State Service	Approved 5/28/2019	5/28/2019	310	114
1128	Kraft-Tharp, Fields	Lottery Intercepts	Approved 5/20/2019	No Safety Clause	238	228
1129	Michaelson Jenet, Fenberg	Prohibit Conversion Therapy for A Minor	Approved 5/31/2019	No Safety Clause Portions on 8/2/2019 and 10/1/2019	378	201
1131	Jaquez Lewis, Winter	Prescription Drug Cost Education	Approved 5/16/2019	No Safety Clause Portions on 8/2/2019 and 10/1/2019	185	139
1132	Buentello, Coram	School Incentives To Use Colorado Food & Producers	Approved 5/14/2019	No Safety Clause	176	64
1133	Caraveo, Fields	CO Child Abuse Response And Evaluation Network	Approved 5/23/2019	5/23/2019	259	139
1134	Buckner, Todd	ID & Interventions For Students With Dyslexia	Approved 5/31/2019	5/31/2019	407	65
1135	Gray, Tate	Clarify Income Tax Credit For Retrofitting A Home	Approved 4/12/2019	No Safety Clause	107	237
1136	Kraft-Tharp, Smallwood	State Auditor Access To Records For Audits	Approved 3/11/2019	No Safety Clause	26	114
1137	Wilson, Priola	Expand Teacher Cadet Program Include Early Childhood Educ	Approved 3/28/2019	No Safety Clause	57	65
1138	Williams D., Williams A.	Vehicle Transfer Registration Fee Credit	Approved 5/20/2019	No Safety Clause 1/1/2020	231	180
1142	Ransom, Moreno	Safe Family Option For Parents	Approved 5/23/2019	No Safety Clause	265	14

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
1147	Snyder, Lee	Revise Traumatic Brain Injury Program	Approved 5/14/2019	No Safety Clause	178	158
1148	Herod, Gonzales	Change Max Criminal Penalty One Year To 364 Days	Approved 3/28/2019	No Safety Clause	59	43
1149	Gonzales-Gutierrez, Lee	Age Of Delinquency Study	Approved 5/3/2019	5/3/2019	141	15
1150	Titone, Danielson	Recreate Consumer Insurance Council	Approved 4/16/2019	No Safety Clause	113	161
1152	Herod, Gonzales	State Student Adv Council Member Eligibility	Approved 3/28/2019	3/28/2019	58	76
1153	McCluskie, Donovan	CO Mountain College & Direct Grants Annexation	Approved 4/5/2019	No Safety Clause	80	76
1155	Michaelson Jenet, Lundeen	Additions To Definition Of Sexual Contact	Approved 4/4/2019	7/1/2019	76	43
1159	Jaquez Lewis, Danielson	Modify Innovative Motor Vehicle Income Tax Credits	Approved 5/31/2019	No Safety Clause	386	237
1160	Landgraf, Lee	Mental Health Facility Pilot Program	Approved 5/20/2019	No Safety Clause	225	153
1162	Pelton, Sonnenberg	Expand Farm Equipment Sales & Use Tax Exemption	Approved 5/23/2019	No Safety Clause	266	237
1166	Singer, Zenzinger	Name-based Criminal History Record Checks	Approved 4/18/2019	Portions on 4/18/2019 and 10/1/2019	125	174
1168	McCluskie, Donovan	State Innovation Waiver Reinsurance Program	Approved 5/17/2019	5/17/2019	204	162
1170	Jackson, Williams A.	Residential Tenants Health & Safety Act	Approved 5/20/2019	No Safety Clause	229	209
1171	Michaelson Jenet, Fields	Expand Child Nutrition School Lunch Protection Act	Approved 5/10/2019	No Safety Clause	148	66
1172	Weissman, Gardner	Title 12 Recodification & Reorganization	Approved 4/25/2019	10/1/2019	136	202
1173	Garnett, Fenberg	Leg Council Temp Appointments Ex Officio Members	Approved 4/10/2019	No Safety Clause	92	90

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
1174	Esgar, Gardner	Out-of-network Health Care Services	Approved 5/14/2019	No Safety Clause 1/1/2020	171	163
1175	Gray, Gonzales	Property Tax Valuation Appeal Process	Approved 3/21/2019	3/21/2019	43	238
1176	Sirota, Foote	Health Care Cost Savings Act of 2019	Approved 5/31/2019	5/31/2019	381	163
1177	Sullivan, Court	Extreme Risk Protection Orders	Approved 4/12/2019	4/12/2019	108	31
1178	McLachlan, Donovan	Name Simplification Of Western State Colorado Univ	Approved 5/31/2019	7/1/2019	400	76
1179	Gray, Lee	Public Fund Investments	Approved 5/23/2019	No Safety Clause	279	115
1180	Geitner, Gardner	Correcting The Definition Of Police Working Horse	Approved 4/4/2019	4/4/2019	75	43
1183	Roberts, Bridges	Automated External Defibrillators In Public Places	Approved 5/22/2019	No Safety Clause	251	140
1184	Herod, Williams A.	Demographic Notes For Certain Legislative Bills	Approved 5/23/2019	No Safety Clause	261	90
1186	McLachlan, Bridges	School Employment Background Check Clarification	Approved 4/10/2019	4/10/2019	94	66
1187	Coleman, Bridges	Increase Student Aid Application Completion Rates	Approved 5/13/2019	5/13/2019	161	66
1188	Sirota, Foote	Greenhouse Gas Pollution Impact In Fiscal Notes	Approved 5/29/2019	5/29/2019	339	91
1189	Gray, Bridges	Wage Garnishment Reform	Approved 5/20/2019	No Safety Clause	214	32
1191	Arndt, Donovan	Allow Farm Stands On Any Size Principal Use Site	Approved 4/12/2019	7/1/2019	106	96
1192	Gonzales-Gutierrez, Gonzales	Inclusion Of Am Minorities In Teaching Civil Gov	Approved 5/28/2019	5/28/2019	302	66
1193	Herod, Garcia	Behavioral Health Supports For High-risk Families	Approved 5/23/2019	5/23/2019	272	153

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
1194	Lontine, Priola	School Discipline For Preschool Through 2nd Grade	Approved 5/13/2019	No Safety Clause 7/1/2020	160	67
1196	Gonzales-Gutierrez, Moreno	Fin Aid For Students With In-state Tuition	Approved 5/13/2019	5/13/2019	162	77
1197	Carver, Lee	Protect Social Workers' Personal Info On Internet	Approved 4/11/2019	4/11/2019	95	116
1198	Valdez A., Bridges	Electric Vehicle Grant Fund	Approved 4/17/2019	No Safety Clause	123	116
1200	Arndt, Bridges	Reclaimed Domestic Wastewater Point Of Compliance	Approved 4/4/2019	No Safety Clause	78	140
1201	Kipp, Coram	Bd Of Ed Executive Session Negotiations Strategy	Approved 4/12/2019	No Safety Clause 9/1/2019	98	97
1202	McLachlan, Ginal	Food Systems Advisory Council	Approved 5/31/2019	5/31/2019	403	5
1203	Mullica, Todd	School Nurse Grant Program	Approved 5/29/2019	5/29/2019	325	67
1205	Arndt, Court	Reimburse Expenses Restorative Justice Council	Approved 5/28/2019	No Safety Clause	292	33
1206	Coleman, Bridges	Higher Education Supplemental Academic Instruction	Approved 4/25/2019	4/25/2019	133	77
1207	Roberts, Donovan	Winter Conditions & Traction Control Requirements	Approved 5/17/2019	No Safety Clause	202	180
1208	Singer, Fields	Physical Therapists Youth Athletes Head Trauma	Approved 5/6/2019	No Safety Clause	146	203
1209	Froelich, Bridges	Aeronautical Reporting Reqmnts	Approved 4/10/2019	No Safety Clause	91	245
1210	Melton, Danielson	Local Government Minimum Wage	Approved 5/28/2019	No Safety Clause 1/1/2020	320	174
1211	Michaelson Jenet, Williams A.	Prior Authorization Requirements Hlth Care Service	Approved 5/13/2019	No Safety Clause	165	164

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
1212	Titone, Fields	Recreate HOA Community Manager Licensing	Vetoed 5/31/2019			203
1213	Titone, Priola	Urban Drainage Flood Control Dist Director Comp	Approved 4/25/2019	No Safety Clause	135	101
1214	Hansen, Rankin	JBC Reqmnt To Recommend Capital Financing Methods	Approved 5/29/2019	No Safety Clause	349	91
1215	Singer, Crowder	Child Support Commission Recommendations	Approved 5/23/2019	Portions on 7/1/2019 and 7/1/2020	270	16
1216	Roberts, Donovan	Reduce Insulin Prices	Approved 5/22/2019	No Safety Clause	248	165
1217	Becker, Court	PERA Local Gov Division Member Contribution Rate	Approved 5/20/2019	5/20/2019	240	117
1219	Gonzales-Gutierrez, Crowder	Child Welfare Permanency Planning	Approved 5/20/2019	No Safety Clause	237	17
1220	Sullivan, Fields	Court Facility Dog During Witness Testimony	Approved 5/1/2019	7/1/2019	138	33
1221	Coleman, Bridges	Regulation Of Electric Scooters	Approved 5/23/2019	5/23/2019	271	180
1222	Kipp, Story	International Baccalaureate Exam Fee Grant	Approved 5/16/2019	No Safety Clause	189	68
1223	Michaelson Jenet, Winter	Social Security Disability Application Assistance	Approved 5/31/2019	No Safety Clause	389	159
1224	Herod, Winter	Free Menstrual Hygiene Products In Custody	Approved 4/25/2019	4/25/2019	131	26
1225	Herod, Lundeen	No Monetary Bail For Certain Low-level Offenses	Approved 4/25/2019	4/25/2019	132	43
1228	Bird, Zenzinger	Increase Tax Credit Allocation Affordable Housing	Approved 5/17/2019	No Safety Clause 9/1/2019	198	238
1229	Roberts, Gardner	Electronic Preservation Of Abandoned Estate Doc	Approved 5/22/2019	No Safety Clause 1/1/2021	252	192

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
1230	Singer, Marble	Marijuana Hospitality Establishments	Approved 5/29/2019	No Safety Clause Portions on 8/2/2019 and 1/1/2020	340	229
1231	Froelich, Lee	New Appliance Energy & Water Efficiency Standards	Approved 5/30/2019	No Safety Clause	356	21
1232	Gonzales-Gutierrez, Coram	Aligning Indian Child Welfare Act Requirements	Approved 5/28/2019	5/28/2019	305	17
1233	Froelich, Ginal	Investments In Primary Care To Reduce Health Costs	Approved 5/16/2019	5/16/2019	194	165
1234	Valdez A., Gonzales	Regulated Marijuana Delivery	Approved 5/29/2019	No Safety Clause	341	229
1236	Gray, Todd	Workforce Diploma Pilot Program	Approved 6/1/2019	6/1/2019	410	68
1237	Cutter, Woodward	Licensing Behavioral Health Entities	Approved 6/3/2019	No Safety Clause Portions on 8/2/2019, 7/1/2021, and 7/1/2022	413	154
1238	Gray, Winter	Clarification Of Manufactured Housing Standards	Approved 4/25/2019	No Safety Clause	130	210
1239	Tipper, Priola	Census Outreach Grant Program	Approved 5/23/2019	5/23/2019	262	117
1240	Kraft-Tharp, Court	Sales & Use Tax Administration	Approved 5/23/2019	Portions on 6/1/2019 and 10/1/2019	264	238
1242	Jackson, Winter	Board Of Pharmacy Regulate Pharmacy Technicians	Approved 6/3/2019	No Safety Clause 10/1/2019	434	204
1244	Coleman, Fields	Expand Peace Officer Mental Health Support Program	Approved 5/20/2019	No Safety Clause	223	43

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
1245	Weissman, Gonzales	Affordable Housing Funding From Vendor Fee Changes	Approved 5/17/2019	No Safety Clause Portions on 8/2/2019 and 10/1/2019	199	97
1246	Van Winkle, Cooke	Local Government Regulation Of Food Trucks	Approved 5/20/2019	No Safety Clause	234	97
1247	Valdez D., Donovan	Study Agricultural Applications For Blockchain	Approved 5/30/2019	No Safety Clause	375	6
1248	Weissman, Foote	Lobbyist Transparency Act	Approved 5/20/2019	Portions on 5/20/2019 and 1/1/2020	232	118
1250	Herod, Danielson	Sexual Assault While In Custody Or Detained	Approved 5/28/2019	7/1/2019	287	44
1253	Landgraf, Hisey	Living Organ Donor Insurance	Approved 5/30/2019	No Safety Clause	367	166
1254	McLachlan, Fields	Notice Requirements Employees Sharing Gratuities	Approved 5/13/2019	No Safety Clause	168	175
1255	Hansen, Coram	Mesa Verde National Park License Plate	Approved 5/29/2019	No Safety Clause	348	181
1256	Gray, Todd	Electronic Filing Of Certain Taxes	Approved 5/31/2019	No Safety Clause	395	239
1257	Becker, Court	Voter Approval To Retain Revenue For Ed & Transp				119
1258	Becker, Court	Allocate Voter-approved Revenue For Ed & Transp	Approved 6/3/2019		435	119
1259	Roberts, Donovan	Species Conservation Trust Fund Projects	Approved 5/17/2019	5/17/2019	208	190
1260	Kipp, Winter	Building Energy Codes	Approved 5/30/2019	No Safety Clause	357	100
1261	Becker, Winter	Climate Action Plan To Reduce Pollution	Approved 5/30/2019	5/30/2019	355	141
1262	Wilson, Bridges	State Funding For Full-day Kindergarten	Approved 5/21/2019	5/21/2019	245	69

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
1263	Herod, Marble	Offense Level For Controlled Substance Possession	Approved 5/28/2019	No Safety Clause Portions on 8/2/2019 and 3/1/2020	291	45
1264	Roberts, Winter	Conservation Easement Tax Credit Modifications	Approved 6/3/2019	Portions on 6/30/2019 and 10/1/2019	420	239
1265	Esgar, Rankin	Right-Of-Way For Snowplows In Echelon Formation	Approved 5/17/2019	No Safety Clause	203	181
1266	Herod, Fenberg	Restore Voting Rights Parolees	Approved 5/28/2019	7/1/2019	283	84
1267	Singer, Danielson	Penalties For Failure To Pay Wages	Approved 5/16/2019	No Safety Clause 1/1/2020	182	46
1268	Singer, Todd	Assisted Living Residence Referral Disclosures	Approved 5/13/2019	No Safety Clause	167	141
1269	Cutter, Ginal	Mental Health Parity Insurance Medicaid	Approved 5/16/2019	5/16/2019	195	166
1272	Bird, Winter	Hous Auth Prop In CO New Energy Improvement Dist	Approved 5/30/2019	No Safety Clause	358	98
1274	Snyder, Hisey	Bd County Commns Delegation Subdivision Platting	Approved 5/31/2019	No Safety Clause 9/1/2019	399	92
1275	Weissman, Lee	Increased Eligibility For Criminal Record Sealing	Approved 5/28/2019	No Safety Clause	295	34
1277	Esgar, Todd	Computer Science Grant Program	Approved 5/30/2019	No Safety Clause	353	70
1278	Lontine, Fenberg	Modifications To Uniform Election Code	Approved 5/29/2019	No Safety Clause	326	84
1279	Exum, Lee	Protect Public Hlth Firefighter Safety Regul PFAS	Approved 6/3/2019	No Safety Clause	427	98
1280	Herod, Fenberg	Child College Savings Accounts	Approved 5/13/2019	No Safety Clause	158	77

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
1282	Singer, Smallwood	Court-appointed Special Advocate Prog Oversight	Approved 5/28/2019	5/28/2019	312	17
1283	Roberts, Rodriguez	Disclosure Of Insurance Liability Coverage	Approved 5/22/2019	No Safety Clause 1/1/2020	250	168
1284	Titone, Holbert	Urban Drainage Flood Control Dist Board Directors	Approved 5/29/2019	No Safety Clause	332	102
1285	Lontine, Fields	Denver Hlth Managed Care Org Contracts With DHCPF	Approved 5/31/2019	No Safety Clause	392	147
1286	Kraft-Tharp, Todd	Motor Vehicle Wholesaler Authorized Individuals	Approved 6/3/2019	No Safety Clause	425	230
1287	Esgar, Pettersen	Treatment For Opioids & Substance Use Disorders	Approved 5/14/2019	5/14/2019	175	155
1288	Singer, Fields	Foster Youth Sibling Bill Of Rights	Approved 5/20/2019	No Safety Clause	216	17
1289	Weissman, Foote	Consumer Protection Act	Approved 5/23/2019	5/23/2019	268	22
1290	Arndt, Priola	Examination Applicant Barber & Cosmetologist Act	Approved 5/16/2019	No Safety Clause Portions on 8/2/2019 and 10/1/2019	187	205
1291	Arndt, Williams A.	Insurance Disclosures & Supervision	Approved 5/16/2019	No Safety Clause	188	169
1292	Singer, Ginal	Colorado Resiliency Office Reauthorization Funding	Approved 5/16/2019	5/16/2019	183	120
1294	Benavidez, Story	Transfer Apprenticeship Credit To College Credit	Approved 5/28/2019	5/28/2019	318	78
1295	Rich, Scott	County Treasurers To Serve As Public Trustees	Approved 5/29/2019	No Safety Clause	338	93
1297	Weissman, Lee	Jail Capacity Data Collection	Approved 5/31/2019	No Safety Clause	394	26
1298	Melton, Priola	Electric Motor Vehicle Charging Station Parking	Approved 5/31/2019	No Safety Clause	384	181

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
1299	McCluskie, Donovan	Local Gov Retirement Plan Contribution Rates	Approved 5/17/2019	No Safety Clause	211	99
1300	Gray, Cooke	Vehicle Identification Number Inspection Fee	Approved 5/23/2019	No Safety Clause	280	182
1301	Michaelson Jenet, Williams A.	Health Insurance For Breast Imaging	Approved 5/16/2019	No Safety Clause	192	170
1302	Michaelson Jenet, Winter	Cancer Treatment & License Plate Surcharge	Approved 5/16/2019	5/16/2019	193	147
1305	McLachlan, Gonzales	Tribal Entity Emer Child Welfare Crim Hist Check	Vetoed 5/31/2019			18
1306	Esgar, Rodriguez	Monitoring Colorado Call Center Job Losses	Approved 5/28/2019	No Safety Clause	321	120
1307	Kraft-Tharp, Lee	Clarify Disclosure Of A Report To At-risk Adult	Approved 5/31/2019	No Safety Clause	393	160
1308	Singer, Moreno	Foster Care Prevention Services	Approved 5/23/2019	No Safety Clause	256	160
1309	Hooton, Fenberg	Mobile Home Park Act Oversight	Approved 5/23/2019	5/23/2019	281	211
1310	Melton, Lee	Interest On Orders Of Restitution	Approved 5/28/2019	7/1/2019	303	46
1311	Singer, Bridges	Institute Of Cannabis Research Role And Mission	Approved 5/29/2019	No Safety Clause	344	79
1314	Becker, Winter	Just Transition From Coal-based Elec Energy Econ	Approved 5/28/2019	5/28/2019	323	175
1315	Gonzales-Gutierrez, Gonzales	Admissibility Of Statements By A Juvenile	Approved 5/28/2019	No Safety Clause	306	46
1316	Hansen, Winter	Modernizing Marriage Laws For Minors	Approved 5/31/2019	No Safety Clause	380	18
1318	Weissman, Bridges	The Clean Campaign Act of 2019	Approved 5/29/2019	No Safety Clause	328	85
1319	Bird, Winter	Incentives Developers Facilitate Affordable Hous	Approved 5/17/2019	No Safety Clause 9/1/2019	200	120

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
1320	Kennedy, Winter	Hospital Community Benefit Accountability	Approved 5/16/2019	No Safety Clause	191	147
1321	Coleman, Priola	Elec Verification Of ID For A Motor Vehicle Rental	Approved 5/31/2019	No Safety Clause	385	182
1322	Roberts, Moreno	Expand Supply Affordable Housing	Approved 5/17/2019	No Safety Clause	201	122
1323	Herod, Todd	Occasional Sales By Charitable Organizations	Approved 5/23/2019	No Safety Clause	263	241
1324	Cutter, Foote	Strategic Lawsuits Against Public Participation	Approved 6/3/2019	7/1/2019	414	35
1326	Esgar, Zenzinger	Rates For Senior Low-income Dental Program	Approved 5/14/2019	5/14/2019	172	148
1327	Garnett, Donovan	Authorize & Tax Sports Betting Refer Under TABOR	Approved 5/29/2019	No Safety Clause Portions on 8/2/2019 and 5/1/2020	347	230
1328	Herod, Rodriguez	Landlord & Tenant Duties Re Bed Bugs	Approved 6/3/2019	No Safety Clause 1/1/2020	426	211
1329	Arndt, Sonnenberg	Wholesale Sales Agricultural Fertilizer Tax Exempt	Approved 5/23/2019	5/23/2019	267	241
1331	Hansen, Rankin	Remove Limitation On EPIC Collaboration	Approved 5/23/2019	No Safety Clause	258	122
1332	Hansen, Zenzinger	Tel Users Disabilities Fund Talking Book Library	Approved 6/3/2019	No Safety Clause	432	219
1334	Saine, Marble	Ban Posting Images Of A Suicide	Approved 5/31/2019	No Safety Clause	388	47
1335	Gonzales-Gutierrez, Lee	Juvenile Record Expungement Clean-up	Approved 5/28/2019	5/28/2019	304	18

TABLE OF ENACTED SENATE BILLS

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
001	Garcia, Buentello	Expand Medication-assisted Treatment Pilot Program	Approved 5/14/2019	5/14/2019	173	123
002	Winter, Roberts	Regulate Student Education Loan Servicers	Approved 5/13/2019	No Safety Clause	157	20
003	Zenzinger, McLachlan	Educator Loan Forgiveness Program	Approved 5/29/2019	5/29/2019	333	71
004	Donovan, Roberts	Address High-cost Hlth Insurance Pilot Program	Approved 5/17/2019	No Safety Clause	205	161
005	Rodriguez, Jaquez Lewis	Import Prescription Drugs From Canada	Approved 5/16/2019	No Safety Clause	184	123
006	Williams A., Kraft-Tharp	Electronic Sales & Use Tax Simplification System	Approved 4/12/2019	4/12/2019	105	233
007	Pettersen, McLachlan	Prevent Sexual Misconduct At Higher Ed Campuses	Approved 5/31/2019	5/31/2019	401	71
008	Priola, Kennedy	Substance Use Disorder Treatment In Crim Jus Sys	Approved 5/23/2019	No Safety Clause	275	36
009	Todd, McLachlan	Financial Incentives For Rural Educators	Approved 3/25/2019	3/25/2019	48	72
010	Fields, McLachlan	Profl Behavioral Health Services For Schools	Approved 5/10/2019	5/10/2019	155	48
011	Williams A., Garnett	Fermented Malt Beverage & Malt Liquor License	Approved 1/31/2019	1/31/2019	1	220
013	Marble, Hooton	Medical Marijuana Condition Opiates Prescribed For	Approved 5/23/2019	No Safety Clause	282	220
014	Coram, Carver	Organized Retail Theft Prevention	Approved 4/8/2019	No Safety Clause	87	37
015	Ginal, Beckman	Create Statewide Health Care Review Committee	Approved 5/30/2019	5/30/2019	370	126
016	Donovan, Esgar	Sev Tax Operational Fund Distribution Methodology	Approved 4/1/2019	4/1/2019	68	233

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
017	Zenzinger, Roberts	Requirements For CDOT Land Acquisitions	Approved 3/28/2019	No Safety Clause	67	242
018	Scott, McLachlan	Commercial Motor Vehicle Driver Age	Approved 2/20/2019	No Safety Clause	2	177
019	Fields, Gray	County Fireworks Restrictions July 4th	Approved 3/21/2019	3/21/2019	44	92
020	Coram, McLachlan	Wildland Fire Airspace Patrol System	Approved 6/3/2019	No Safety Clause	428	103
021	Moreno, McKean	Board Of Health Approval For Legal Services	Approved 2/20/2019	No Safety Clause	3	126
023	Tate, Kraft-Tharp	Cryptocurrency Exemption CO Digital Token Act	Approved 3/6/2019	No Safety Clause	12	87
024	Tate, Arndt	Taxes Paid By Electronic Funds Transfers	Approved 3/11/2019	No Safety Clause	31	234
025	Smallwood, Hooton	Information To Students Regarding Safe Haven Laws	Approved 3/25/2019	No Safety Clause	49	48
028	Holbert, McKean	Allow On & Off Premises Beer Licenses Rural Areas	Approved 2/20/2019	2/20/2019	4	220
029	Crowder, Landgraf	Income Tax Residency Presumption For Military	Approved 3/15/2019	No Safety Clause	34	234
030	Gonzales, Tipper	Remedying Improper Guilty Pleas	Approved 5/28/2019	5/28/2019	301	37
031	Gardner, Lontine	Child Welfare Allocations Cmt Composition	Approved 4/8/2019	4/8/2019	84	156
032	Scott, McCluskie	Hazardous Materials Transportation Routing	Approved 4/8/2019	4/8/2019	81	177
035	Court, Benavidez	DOR Enforcement Measures Collection Of Tax Owed	Approved 3/28/2019	No Safety Clause	64	234
036	Lee, Benavidez	State Court Administrator Reminder Program	Approved 5/28/2019	No Safety Clause Portions on 8/2/2019 and 7/1/2020	293	28

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
039	Story, Michaelson Jenet	Interdistrict Transportation Of Students	Approved 3/7/2019	3/7/2019	24	48
040	Hisey, Carver	Establish Colorado Fire Commission	Approved 6/3/2019	No Safety Clause	429	103
041	Smallwood, Kraft-Tharp	Health Insurance Contract Carrier & Policyholder	Approved 4/8/2019	No Safety Clause	85	161
042	Foote, Sirota	National Popular Vote	Approved 3/15/2019	No Safety Clause	32	80
043	Lee, Herod	Increasing Number Of District Court Judges	Approved 3/21/2019	3/21/2019	41	28
044	Zenzinger, Hooton	CDPHE Emergency Medical & Trauma Care System	Approved 3/18/2019	No Safety Clause	38	126
045	Moreno, Hooton	Clarify Radiation Advisory Committee Compensation	Approved 2/20/2019	No Safety Clause	5	127
046	Tate, Arndt	Appraisal Management Company Definition	Approved 3/25/2019	Portions on 3/25/2019 and 10/1/2019	50	193
049	Fields, Michaelson Jenet	Statute Of Limitation Failure Report Child Abuse	Approved 3/28/2019	3/28/2019	56	37
052	Garcia, Mullica	Emer Medical Service Provider Scope Of Practice	Approved 4/17/2019	No Safety Clause	122	127
054	Crowder, Valdez D.	Military Vehicle Motor Vehicle Regulation	Approved 5/30/2019	7/1/2019	364	177
057	Story, McCluskie	Employee Info Student Loan Repayment Programs	Approved 3/15/2019	No Safety Clause	35	72
058	Lee, Herod	Enactment of CRS 2018	Approved 2/20/2019	2/20/2019	6	232
059	Moreno, Buckner	Automatic Enrollment In Advanced Course Grant Prog	Approved 5/10/2019	No Safety Clause	149	48
061	Tate, Arndt	Self-contained Breathing Apparatus Testing & Cert	Approved 5/20/2019	No Safety Clause	215	171
063	Priola, Buentello	Infant And Family Child Care Action Plan	Approved 4/23/2019	No Safety Clause	128	156

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
064	Lee, Weissman	Retain Criminal Justice Programs Funding	Approved 5/14/2019	5/14/2019	179	38
065	Garcia, Exum	Peer Assistance Emergency Medical Service Provider	Approved 5/14/2019	No Safety Clause	174	127
066	Todd, Buentello	High-cost Special Education Trust Fund Grants	Approved 5/30/2019	5/30/2019	368	49
068	Zenzinger, Weissman	Expand Disclosure Electioneering Communications	Approved 4/1/2019	No Safety Clause	69	81
069	Lundeen, Wilson	Nonpublic School Teacher Development Programs	Approved 3/18/2019	No Safety Clause	37	49
070	Tate, Arndt	DNR Language Update	Approved 3/7/2019	No Safety Clause	21	183
071	Fields, Roberts	Child Hearsay Exception	Approved 3/21/2019	7/1/2019	42	29
073	Ginal, Landgraf	Statewide System Of Advance Medical Directives	Approved 5/16/2019	No Safety Clause	186	128
076	Scott, Rich	CDOT Consulting Engineer Contracts	Approved 4/12/2019	4/12/2019	102	242
077	Priola, Hansen	Electric Motor Vehicles Public Utility Services	Approved 5/31/2019	5/31/2019	383	214
078	Donovan, Hansen	Open Internet Customer Protections In Colorado	Approved 5/17/2019	5/17/2019	210	214
079	Todd, Esgar	Electronic Prescribing Controlled Substances	Approved 4/8/2019	No Safety Clause Portions on 8/2/2019, 10/1/2019, 7/1/2021, and 7/1/2023	86	193
080	Zenzinger, Arndt	CDPHE Emergency Epidemic Preparedness	Approved 3/7/2019	No Safety Clause	22	129
081	Zenzinger, Hooton	Repeal Cancer Drug Repository Act	Approved 3/15/2019	No Safety Clause	33	129

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
082	Moreno, McKean	Repeal Board Of Health Authority Over CDPHE Funds	Approved 3/7/2019	No Safety Clause	15	129
083	Zenzinger, McKean	CDPHE Air Quality Control	Approved 3/7/2019	No Safety Clause	13	129
085	Danielson, Buckner	Equal Pay For Equal Work Act	Approved 5/22/2019	No Safety Clause 1/1/2021	247	171
086	Lee, Bird	Update Business Entity Laws	Approved 5/13/2019	No Safety Clause 7/1/2020	166	23
088	Gardner, Tipper	Revised Uniform Unclaimed Property Act	Approved 4/16/2019	No Safety Clause 7/1/2020	110	206
090	Scott, Gray	Peer-to-peer Motor Vehicle Sharing Program	Approved 5/31/2019	No Safety Clause 1/1/2020	391	20
091	Fields, Singer	Support Peace Officers Involved In Use Of Force	Approved 4/23/2019	No Safety Clause	127	94
094	Lundeen, Garnett	Extend School Finance Interim Committee	Approved 5/13/2019	5/13/2019	164	50
095	Todd, Hansen	Five-year Review Of Higher Ed Funding Formula	Approved 4/4/2019	4/4/2019	79	73
096	Donovan, Hansen	Collect Long-term Climate Change Data	Approved 5/30/2019	5/30/2019	361	129
097	Story, McCluskie	Area Technical College Grant Program	Approved 4/16/2019	4/16/2019	115	73
099	Todd, Tipper	Revised Uniform Athlete Agents Act 2015	Vetoed 5/31/2019			193
100	Gardner, Tipper	Unauthorized Disclosure Of Intimate Images Act	Approved 4/8/2019	4/8/2019	88	29
102	Zenzinger, Titone	Innovation Sch Operating As A Community Sch	Approved 4/8/2019	No Safety Clause	82	50
103	Williams A., Coleman	Legalizing Minors' Businesses	Approved 4/1/2019	4/1/2019	70	94

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
104	Holbert, Baisley	Elimination Of Duplicate Regul Of Sch Bldg	Approved 5/31/2019	No Safety Clause	382	50
105	Rodriguez, Tipper	Colorado Uniform Directed Trust Act	Approved 3/28/2019	No Safety Clause	51	192
106	Cooke, Tipper	Withdraw Peace Officers Local Gov Retirement Plan	Approved 5/6/2019	No Safety Clause	143	94
107	Donovan, Roberts	Broadband Infrastructure Installation	Approved 6/3/2019	No Safety Clause	424	215
108	Lee, Michaelson Jenet	Juvenile Justice Reform	Approved 5/28/2019	Portions on 7/1/2019 and 7/1/2020	294	12
109	Fenberg, Garnett	Adjust Damages Limitations For Inflation	Approved 4/8/2019	No Safety Clause	83	29
111	Moreno, Esgar	Suppl Approp Dept Corrections	Approved 3/14/2019	3/14/2019	437	7
112	Moreno, Esgar	Suppl Approp Dept Governor, Lt. Gov, OSPB	Approved 2/28/2019	2/28/2019	438	7
113	Moreno, Esgar	Suppl Approp Dept Health Care Policy & Fin	Approved 3/14/2019	3/14/2019	439	7
114	Moreno, Esgar	Suppl Approp Dept Human Services	Approved 2/28/2019	2/28/2019	440	7
115	Moreno, Esgar	Suppl Approp Dept Judicial	Approved 2/28/2019	2/28/2019	441	8
116	Moreno, Esgar	Suppl Approp Dept Law	Approved 2/28/2019	2/28/2019	442	8
117	Moreno, Esgar	Suppl Approp Dept Local Affairs	Approved 2/28/2019	2/28/2019	443	8
118	Moreno, Esgar	Suppl Approp Dept Military Affairs	Approved 2/28/2019	2/28/2019	444	8
119	Moreno, Esgar	Suppl Approp Dept Personnel	Approved 2/28/2019	2/28/2019	445	8
120	Moreno, Esgar	Suppl Approp Dept Public Health & Environment	Approved 2/28/2019	2/28/2019	446	9

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
121	Moreno, Esgar	Suppl Approp Dept Safety	Approved 2/28/2019	2/28/2019	447	9
122	Moreno, Esgar	Suppl Approp Dept Regulatory Agencies	Approved 2/28/2019	2/28/2019	448	9
123	Moreno, Esgar	Suppl Approp Dept Revenue	Approved 2/28/2019	2/28/2019	449	9
124	Moreno, Esgar	Suppl Approp Dept State	Approved 2/28/2019	2/28/2019	450	9
125	Moreno, Esgar	Suppl Approp Dept Transportation	Approved 2/28/2019	2/28/2019	451	10
126	Moreno, Esgar	Suppl Approp Dept Treasury	Approved 2/28/2019	2/28/2019	452	10
127	Moreno, Esgar	Suppl Approp Capital Construction	Approved 2/28/2019	2/28/2019	453	10
128	Moreno, Esgar	School Finance Mid-year Adjustments	Approved 3/28/2019	3/28/2019	65	51
129	Story, Froelich	Regulation Of Online Schools	Approved 4/10/2019	4/10/2019	89	51
133	Ginal, Michaelson Jenet	Require License Practice Genetic Counseling	Vetoed 5/31/2019			194
135	Williams A., Buckner	State Procurement Disparity Study	Approved 5/31/2019	7/1/2019	379	103
136	Lee, Gonzales-Gutierrez	Expand Div Youth Services Pilot Program	Approved 5/20/2019	No Safety Clause	224	149
137	Todd, Hansen	Extend The Colorado Student Leaders Institute	Approved 5/10/2019	5/10/2019	152	51
138	Winter, Bird	Bond Reqmnts For Public Projects Using Private Fin	Approved 4/16/2019	No Safety Clause	117	104
139	Coram, Galindo	More CO Road & Community Safety Act Offices	Approved 5/28/2019	5/28/2019	298	178
141	Donovan, Roberts	Entertainment Districts Counties Optional Premises	Approved 5/17/2019	No Safety Clause	207	221

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
142	Donovan, McCluskie	Hard Cider Exemption Wine Industry Development Act	Approved 6/3/2019	No Safety Clause 9/1/2019	421	221
143	Gonzales, Herod	Parole Changes	Approved 5/28/2019	5/28/2019	286	25
144	Zenzinger, Roberts	Motorcyclists & Malfunctioning Traffic Signals	Approved 4/23/2019	No Safety Clause	126	178
145	Todd, Valdez A.	Sunset Continue Dialysis Clinic & Technician Regul	Approved 5/20/2019	No Safety Clause	218	130
146	Pettersen, Kennedy	Sunset Home Care Agencies	Approved 5/28/2019	No Safety Clause	314	130
147	Hisey, Valdez D.	Sunset Seed Potato Grower Regulation	Approved 4/12/2019	No Safety Clause	100	2
148	Hisey, Valdez D.	Sunset Process Seed Potato Advisory Committee	Approved 4/12/2019	No Safety Clause	101	2
149	Garcia, Froelich	Sunset Human Trafficking Council	Approved 5/20/2019	5/20/2019	233	88
150	Donovan, Buentello	Sunset Public Livestock Markets	Approved 5/20/2019	5/20/2019	241	2
151	Bridges, Exum	Sunset Emergency Planning Subcommittee	Approved 4/12/2019	No Safety Clause	103	104
152	Williams A., Duran	Sunset Public Safety Communications Subcommittee	Approved 4/12/2019	No Safety Clause	104	104
153	Fields, Kipp	Sunset Podiatry Board	Approved 5/30/2019	Portions on 7/1/2019 and 10/1/2019	369	194
154	Court, Sirota	Sunset License Regulate Psychiatric Technicians	Approved 5/13/2019	Portions on 7/1/2019 and 10/1/2019	169	195
155	Williams A., Kraft-Tharp	Sunset Accountancy Board	Approved 5/20/2019	Portions on 7/1/2019 and 10/1/2019	235	195

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
156	Rodriguez, Sullivan	Sunset State Electrical Board	Approved 5/29/2019	Portions on 7/1/2019 and 10/1/2019	346	196
157	Winter, Cutter	Sunset Fire Suppression Registration & Inspection	Approved 5/23/2019	No Safety Clause	260	105
158	Ginal, Froelich	Sunset Pet Animal Care & Facilities Act	Approved 5/31/2019	No Safety Clause	409	3
159	Bridges, McCluskie	Sunset Passenger Tramway Safety Board	Approved 5/17/2019	Portions on 5/17/2019 and 10/1/2019	209	197
160	Winter, McCluskie	Sunset River Outfitters Licensing	Approved 6/3/2019	No Safety Clause	416	183
161	Bridges, Kipp	Sunset Council For Parent Involvement In Education	Approved 5/20/2019	5/20/2019	217	52
162	Coram, McCluskie	Sunset River Outfitter Advisory Committee	Approved 5/17/2019	5/17/2019	212	183
163	Marble, Galindo	Sunset Cold Case Task Force	Approved 5/20/2019	No Safety Clause	213	88
164	Todd, Mullica	Sunset In-home Support Services Program	Approved 5/30/2019	No Safety Clause	371	156
165	Rodriguez, Hansen	Increase Parole Board Membership	Approved 5/20/2019	5/20/2019	242	25
166	Fields, Roberts	POST Board Revoke Cert For Untruthful Statement	Approved 5/22/2019	No Safety Clause	249	105
167	Danielson, Exum	Honor Colorado Professional Fire Fighters	Approved 5/20/2019	No Safety Clause	221	178
168	Lee, Weissman	Rule Review Bill	Approved 5/13/2019	5/13/2019	163	1
169	Tate, Arndt	Project Mgmt Competencies For Certain Contracts	Vetoed 5/31/2019			106
170	Rodriguez, Herod	Inquiry Into College Applicant Criminal History	Approved 5/28/2019	No Safety Clause 5/1/2020	285	73

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
171	Danielson, Sullivan	Apprenticeships & Vocational Technical Training	Approved 5/28/2019	No Safety Clause	317	172
172	Danielson, Singer	Protect From Unlawful Abandonment And Confinement	Approved 5/30/2019	7/1/2019	365	38
173	Donovan, Kraft-Tharp	Colorado Secure Savings Plan Board	Approved 5/20/2019	5/20/2019	236	106
174	Garcia, Buentello	Dependent Tuition Assistance Program Eligibility	Approved 5/14/2019	No Safety Clause	170	74
175	Foote, Roberts	Serious Bodily Injury Vulnerable Rd User Penalties	Approved 5/29/2019	5/29/2019	331	178
176	Lundeen, McCluskie	Expanding Concurrent Enrollment Opportunities	Approved 5/20/2019	No Safety Clause	244	52
177	Ginal, Singer	Background Checks Persons Who Work With Children	Approved 5/28/2019	No Safety Clause	311	13
178	Foote, Singer	Program To Subsidize Adoption For Children & Youth	Approved 5/16/2019	No Safety Clause	180	13
179	Lee, Wilson	Enhance School Safety Incident Response Grant Prog	Approved 6/3/2019	6/3/2019	419	53
180	Winter, McCluskie	Eviction Legal Defense Fund	Approved 5/30/2019	5/30/2019	372	30
181	Fenberg, Becker	Protect Public Welfare Oil & Gas Operations	Approved 4/16/2019	4/16/2019	120	183
183	Priola, Michaelson Jenet	Alternate Procedure To Reorganize School Districts	Approved 4/16/2019	No Safety Clause	111	53
185	Fields, Landgraf	Protections For Minor Human Trafficking Victims	Approved 5/6/2019	5/6/2019	147	38
186	Donovan, Arndt	Expand Ag Chemical Mgmt Prog Protect Surface Water	Approved 6/3/2019	No Safety Clause	422	4
187	Lee, Bird	Commissions On Judicial Performance	Approved 5/30/2019	5/30/2019	374	30
188	Winter, Gray	FAMLI Family Medical Leave Insurance Program	Approved 5/30/2019	5/30/2019	352	172
189	Todd, Cutter	Sunset Concurrent Enrollment Advisory Board	Approved 6/3/2019	6/3/2019	418	54

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
190	Todd, McLachlan	Teacher Preparation Program Support	Approved 5/10/2019	5/10/2019	153	74
191	Bridges, Herod	Prompt Pretrial Liberty And Fairness	Approved 5/28/2019	No Safety Clause Portions on 8/2/2019 and 1/1/2020	288	39
192	Winter, Jackson	Front Range Waste Diversion Enterprise Grant Prog	Approved 5/30/2019	No Safety Clause	362	130
193	Ginal, Tipper	Sunset Continue Colorado Medical Practice Act	Approved 5/31/2019	Portions on 7/1/2019 and 10/1/2019	406	197
194	Garcia, Froelich	National Guard Tuition Assistance CSU Global	Approved 5/20/2019	5/20/2019	219	75
195	Fields, Froelich	Child & Youth Behavioral Health System Enhancements	Approved 5/16/2019	No Safety Clause	190	149
196	Lee, Garnett	CO Quality Apprenticeship Training Act Of 2019	Approved 5/28/2019	No Safety Clause	316	107
197	Zenzinger, Kennedy	Continue Complementary Or Alternative Med Prog	Approved 5/29/2019	5/29/2019	335	143
198	Todd, Buentello	Continued Management Of Waste Tires	Approved 5/31/2019	No Safety Clause	402	131
199	Todd, McCluskie	READ Act Implementation Measures	Approved 5/10/2019	5/10/2019	154	54
200	Gonzales, Valdez A.	Alcohol Beverage Consumption National Western Ctr	Approved 5/28/2019	No Safety Clause	307	221
201	Pettersen, Tipper	Open Discussions About Adverse Hlth Care Incidents	Approved 5/6/2019	7/1/2019	144	132
202	Danielson, Froelich	Voting Rights For Voters With Disabilities	Approved 5/29/2019	No Safety Clause	327	81
203	Fenberg, Garnett	FY 2019-20 Legislative Appropriation Bill	Approved 4/10/2019	4/10/2019	436	10
204	Story, Arndt	Public School Local Accountability Systems	Approved 6/3/2019	No Safety Clause	415	56

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
205	Danielson, Michaelson Jenet	Honor Service Of Women Veterans	Approved 5/20/2019	No Safety Clause	220	179
207	Moreno, Esgar	2019-20 Long Bill	Approved 4/18/2019	4/18/2019	454	10
208	Moreno, Esgar	State Employee Reserve Fund Transfer	Approved 5/3/2019	5/3/2019	140	109
209	Zenzinger, Hansen	PACE Program Funding Methodology	Approved 4/17/2019	4/17/2019	124	143
210	Moreno, Ransom	Juvenile Detention Beds	Approved 4/16/2019	4/16/2019	118	14
211	Moreno, Esgar	Mental Health Criminal Diversion Program	Approved 4/16/2019	4/16/2019	119	40
212	Rankin, Esgar	Approp General Fund Implement State Water Plan	Approved 4/17/2019	4/17/2019	121	246
213	Rankin, Ransom	Marijuana Cash Fund Transfer	Approved 5/3/2019	Portions on 7/1/2019 and 1/1/2020	139	109
214	Rankin, Esgar	Capital-related Transfers Of Money	Approved 5/3/2019	5/3/2019	142	109
215	Rodriguez, Lontine	Parents Encouraging Parents Conference	Approved 5/29/2019	5/29/2019	345	57
216	Bridges, Bird	High School Innovative Learning Pilot	Approved 5/10/2019	5/10/2019	150	57
218	Gonzales, Jaquez Lewis	Sunset Medical Marijuana Program	Approved 5/29/2019	No Safety Clause	343	222
219	Pettersen, Gonzales-Gutierrez	Sunset Continue Licensing Of Controlled Substances	Approved 5/23/2019	No Safety Clause	277	150
220	Marble, Saine	Hemp Regulation Alignment With 2018 Fed Farm Bill	Approved 5/29/2019	5/29/2019	350	4
221	Donovan, Roberts	CO Water Conservation Bd Construction Fund Project	Approved 6/3/2019	6/3/2019	417	246
222	Lee, Esgar	Individuals At Risk Of Institutionalization	Approved 5/20/2019	5/20/2019	226	143

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
223	Lee, Weissman	Actions Related To Competency To Proceed	Approved 5/20/2019	7/1/2019	227	40
224	Gonzales, Herod	Sunset Regulated Marijuana	Approved 5/28/2019	No Safety Clause Portions on 8/2/2019, 1/1/2020, and 7/1/2020	315	222
227	Pettersen, Kennedy	Harm Reduction Substance Use Disorders	Approved 5/23/2019	Portions on 5/23/2019 and 10/1/2019	273	132
228	Winter, Buentello	Substance Use Disorders Prevention Measures	Approved 5/23/2019	Portions on 5/23/2019 and 10/1/2019	276	150
229	Winter, Gonzales-Gutierrez	Campaign Contributions Dependent Care Expenses	Approved 5/30/2019	No Safety Clause 9/1/2019	354	82
230	Moreno, Herod	Colorado Refugee Services Program	Approved 5/28/2019	No Safety Clause	297	157
231	Moreno, Exum	Colorado Second Chance Scholarship	Approved 5/28/2019	No Safety Clause	290	75
232	Foote, Weissman	Campaign Finance Enforcement	Approved 5/29/2019	7/1/2019	330	82
233	Lee, Snyder	Holding Company Income Tax Combined Report	Approved 5/31/2019	No Safety Clause	397	235
234	Rodriguez, Weissman	Sunset Professional Review Committees	Approved 5/16/2019	No Safety Clause Portions on 8/2/2019 and 10/1/2019	181	197

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
235	Fenberg, Esgar	Automatic Voter Registration	Approved 5/29/2019	No Safety Clause Portions on 8/2/2019 and 7/1/2020	329	82
236	Garcia, Hansen	Sunset Public Utilities Commission	Approved 5/30/2019	5/30/2019	359	216
238	Danielson, Kennedy	Improve Wages & Accountability Home Care Workers	Approved 5/28/2019	5/28/2019	319	144
239	Winter, Gray	Address Impacts Of Transportation Changes	Approved 5/31/2019	5/31/2019	387	243
240	Marble, McLachlan	Industrial Hemp Products Regulation	Approved 5/29/2019	5/29/2019	351	133
241	Lee, Weissman	Revisor's Bill	Approved 5/31/2019	No Safety Clause Portions on 8/2/2019 and 10/1/2019	390	232
242	Garcia, Kennedy	Emergency Medical Service Providers Licensing	Approved 5/31/2019	Portions on 5/31/2019 and 10/1/2019	396	133
244	Winter, Lontine	Management Of Legislative Workplace Conduct	Approved 5/20/2019	5/20/2019	243	88
245	Gonzales, Tipper	Time Requirements For Food Stamp Appeals	Approved 5/28/2019	5/28/2019	308	157
246	Todd, McLachlan	Public School Finance	Approved 5/10/2019	5/10/2019	151	58
248	Tate, Singer	State Tax System Working Group	Approved 5/23/2019	5/23/2019	269	109
249	Gonzales, Benavidez	License Business Selling Its Used Motor Vehicles	Approved 5/28/2019	No Safety Clause	309	225
251	Rankin, Hansen	Reqmnts Of OIT Based On Evaluation Recommendations	Approved 5/23/2019	5/23/2019	253	110

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
252	Moreno, Esgar	SMART Committee Hearings	Approved 5/23/2019	No Safety Clause	254	89
253	Rankin, Esgar	Exempt CDE From Office Of Information Technology	Approved 5/23/2019	No Safety Clause	255	111
254	Zenzinger, Ransom	Nursing Home Penalty Cash Fund	Approved 5/29/2019	No Safety Clause	336	133
255	Court, Herod	Gallagher Amendment Residential Assessment Rate	Approved 6/3/2019	6/3/2019	433	235
256	Bridges, Esgar	Electronic Documents Motor Vehicle Appropriation	Approved 5/28/2019	5/28/2019	313	179
258	Rankin, Esgar	Child Welfare Prevention & Intervention Funding	Approved 5/23/2019	5/23/2019	257	157
259	Garcia, Herod	Use CSP II To House Inmates In An Emergency	Approved 5/28/2019	No Safety Clause	289	25
260	Zenzinger, Tipper	Entry Into FPPA For Social Security Employers	Approved 6/3/2019	No Safety Clause	430	95
261	Moreno, Esgar	Unclaimed Property Trust Fund Transfer	Approved 5/30/2019	5/30/2019	376	207
262	Rankin, Esgar	General Fund Transfer To Highway Users Tax Fund	Approved 6/3/2019	6/3/2019	431	244
263	Zenzinger, Gray	Delay Referral Of TRANs Ballot Issue To 2020	Approved 5/29/2019	Portions on 5/29/2019 and upon proclamation of the Governor of the approval of a certain citizen- initiated ballot issue	334	244

ADMINISTRATIVE RULE REVIEW

S.B. 19-168 Continuation of 2018 rules of executive agencies - exceptions listed. Based on the findings and recommendations of the committee on legal services, the act extends all state agency rules that were adopted or amended on or after November 1, 2017, and before November 1, 2018, with the exception of the rules specifically listed in the act. Those specified rules will expire as scheduled in the "State Administrative Procedure Act" on May 15, 2019, on the grounds that the rules either conflict with statute or lack or exceed statutory authority.

APPROVED by Governor May 13, 2019

EFFECTIVE May 13, 2019

AGRICULTURE

S.B. 19-147 Seed potato act - continuation under sunset law. The act continues the regulation of seed potato growers and implements the recommendations of the department of regulatory agencies' 2018 sunset review and report on the "Colorado Seed Potato Act" by:

- Extending regulation of seed potato growers until 2028 (sections 1 and 7 of the act);
- Repealing an obsolete provision authorizing uncertified seed potatoes to be used before January 1, 2012 (section 2);
- Repealing the option to have an independent auditor perform the review of records required by the act (sections 3 and 4);
- Requiring the committee of area no. 2 to pay the fees that implement seed potato regulation (section 5); and
- Repealing the provision that limits the amount of a fine to \$2,500 (section 6).

APPROVED by Governor April 12, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-148 Seed potato act - advisory committee - continuation under sunset law. The act implements the following recommendations of the department of regulatory agencies' 2018 sunset review and report on the "Colorado Seed Potato Act" and the seed potato advisory committee by:

- Extending the committee indefinitely, subject to review under the act in 2028;
- Replacing a member of the committee who is an employee of the department of agriculture with a member who is a potato grower who does not grow seed potatoes, with a preference for a potato grower with an operation in the western slope region of the state, but only when commercial cultivation begins in the western slope region;
- Repealing a requirement that one member of the committee who represents the Colorado Certified Potato Growers Association be the association's sitting president; and
- Repealing a provision that sets and staggers the initial terms of the members of the committee.

APPROVED by Governor April 12, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-150 Regulation of public livestock markets - continuation under sunset law - licensure. The automatic termination date of the regulation of public livestock markets is

extended until 2034 pursuant to sunset law.

Section 3 repeals a requirement that an applicant for a license prove financial stability, business integrity, and fiduciary responsibility and to provide a statement of assets and liability.

Section 4 repeals a requirement that a licensed livestock market meet several size and premises standards. Section 4 replaces this with a requirement that a premises have adequate facilities necessary to operate a public livestock market.

Sections 5 and 6 repeal provisions that imply that the state board of stock inspection commissioners regulate the sanitation of public livestock markets.

Section 7 clarifies that the veterinarian who inspects livestock at a public livestock market is not employed by the department of agriculture and that livestock is inspected, not examined, for clinical signs of injury or disease. Section 7 also requires the veterinarian to be accredited.

APPROVED by Governor May 20, 2019

EFFECTIVE May 20, 2019

S.B. 19-158 Pet Animal Care and Facilities Act - grounds for discipline - waiting period after license revocation - fines - mandatory sterilization - continuation under sunset law - appropriation. The act implements some of the recommendations of the department of regulatory agencies' sunset review and report on the Colorado "Pet Animal Care and Facilities Act" as follows:

- Adds as grounds for discipline, a conviction of a local, state, or federal offense involving the theft, importation, capture, neglect, or abuse of an animal;
- Extends the commissioner of agriculture's authority to discipline a licensee or deny a license to an applicant for crimes involving animal cruelty to cases where a licensee or applicant has entered a plea of no contest;
- Extends the 2-year waiting period that a licensee whose license has been revoked must wait before applying for a new license to a principal, officer, director, manager, or any other person who has substantial control or authority over the daily operations of the entity, regardless of the reason for the revocation; and
- Requires the state treasurer to credit all fines to the general fund.

The act removes the option of an animal shelter or pet animal rescue to release a dog or cat to a prospective owner with a fee and a signed agreement to have the animal sterilized within 90 days after the date of release and prohibits the animal's release unless the animal has been sterilized by a licensed veterinarian. The commissioner of agriculture may grant an exemption to a facility in an area with limited access to licensed veterinarians.

The automatic termination date of the licensing of pet animal facilities by the department of agriculture is extended until September 1, 2026, pursuant to the provisions of the sunset law.

\$123,007 is appropriated to the department of agriculture from the general fund to implement the act along with a 1.6 FTE.

APPROVED by Governor May 31, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-186 Commissioner of agriculture - agricultural chemical management plans - expansion to include surface water - appropriation. Under current law, the commissioner of agriculture is responsible for the management of the use of agricultural chemicals to protect groundwater, and the commissioner adopts rules establishing agricultural management plans for this purpose. The act expands the scope of the commissioner's agricultural management plans to include the protection of state waters, which includes surface and subsurface waters.

The act appropriates \$239,592 to the department of agriculture from the plant health, pest control, and environmental protection cash fund to implement the act, of which \$21,875 is reappropriated to the department of public health and environment and \$1,000 is reappropriated to the department of personnel.

APPROVED by Governor June 3, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-220 Industrial hemp - alignment with federal law - state plan of regulation. In 2018, the federal government enacted the "Agricultural Improvement Act of 2018" (federal act), which removed hemp from schedule I of the federal "Controlled Substances Act". The federal act requires the United States department of agriculture (USDA) to develop a plan for the regulation of hemp and authorizes each state to seek approval from the USDA to have primary regulatory authority over hemp production within the state by preparing and submitting a state plan of regulation to the secretary of the USDA.

The act updates the laws governing Colorado's industrial hemp regulatory program to align with the federal act and to put the department of agriculture in a position to prepare and submit a state plan to the secretary of the USDA.

APPROVED by Governor May 29, 2019

EFFECTIVE May 29, 2019

H.B. 19-1114 Food safety - produce - regulation - continuation under sunset law. The act establishes a state law to implement federal regulations regarding produce safety on farms. To implement this, the act:

- Authorizes the commissioner of agriculture to enter into a cooperative

- agreement with the United States food and drug administration and seek, accept, and expend federal funds;
- Authorizes the commissioner to cease implementing the state law if the commissioner does not receive adequate federal funding;
- Requires farms that are subject to federal law, selling more than approximately \$25,000 of produce annually on average over a 3-year period, to register with the commissioner;
- Requires the commissioner to promulgate rules adopting 21 CFR 112, concerning produce safety, and gives the commissioner rule-making authority to administer the act;
- Authorizes the commissioner to enter farms and farm facilities during regular business hours to implement or enforce the act if the commissioner obtains consent from the farm or an administrative search warrant;
- Authorizes the commissioner to inspect records during regular business hours to implement or enforce the act and to subpoena witnesses and records;
- Authorizes the commissioner to issue cease-and-desist orders;
- Prohibits an officer, employee, or agent of the commissioner from misusing information gained during the course of the person's duties under the act;
- Authorizes the commissioner to impose administrative penalties;
- If requested, requires the commissioner to hold a hearing to issue a cease-and-desist order or impose an administrative penalty, and this process is subject to judicial review;
- Authorizes the commissioner to enforce cease-and-desist orders and administrative penalties in court; and
- Repeals these provisions in 2034, but requires a sunset review before the repeal.

APPROVED by Governor April 4, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1202 Colorado food systems advisory council - relocation to Colorado state university - repeal of interagency farm-to-school coordination task force - duties - appropriation. The act relocates the Colorado food systems advisory council (council) from the department of agriculture to Colorado state university and repeals the interagency farm-to-school coordination task force.

The act ends the terms of current members of the council and provides for the appointment of new members. As updated in the act, the council's duties are to:

- Grow local, regional, and statewide food economies within which producers have access to new markets and low-income populations have access to fresh, affordable, and healthy foods. The council will collaborate and coordinate with producers, relevant state and federal educational institutions, nongovernmental organizations, and consumers to connect state and federal agencies and to provide Colorado producers, including fruit and vegetable producers, with viable market opportunities.
- Support the implementation of the recommendations in the Colorado blueprint of food and agriculture project, ensure that the blueprint, or its successor

- project, is updated as needed, and ensure alignment with other state or local food plans if relevant;
- Conduct research regarding national best practices regarding food and nutrition assistance, direct and intermediated market development, institutional procurement, and farm-to-school programs as well as other priorities determined by the council;
 - Collaborate with, serve as a resource to, and receive input from local and regional food policy councils in the state; and
 - Explore methods of collecting and assessing statewide data relating to council activities and report the relevant information and data regarding council activities as required by current law.

\$100,317 is appropriated from the general fund to the department of higher education to implement the act.

APPROVED by Governor May 31, 2019

EFFECTIVE May 31, 2019

H.B. 19-1247 Blockchain technology - study of potential agricultural applications - creation of advisory group - report to general assembly. The act directs the commissioner of agriculture to convene an advisory group to study the potential applications for blockchain technology in agricultural operations and to report to the general assembly by January 15, 2020, with its findings and recommendations for legislation, if any, contingent on the commissioner's receipt of sufficient money through gifts, grants, and donations to fund the study and report. The advisory group is subject to repeal on July 1, 2020.

APPROVED by Governor May 30, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

APPROPRIATIONS

S.B. 19-111 Supplemental appropriation - department of corrections. The 2018 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of corrections. The general fund portion of the appropriation is increased.

The 2017 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of corrections. The general fund portion of the appropriation is increased.

APPROVED by Governor March 14, 2019

EFFECTIVE March 14, 2019

S.B. 19-112 Supplemental appropriation - offices of the governor, lieutenant governor, and state planning and budgeting. The 2018 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the offices of the governor, lieutenant governor, and state planning and budgeting. The general fund and reappropriated funds portions of the appropriation is increased.

APPROVED by Governor February 28, 2019

EFFECTIVE February 28, 2019

S.B. 19-113 Supplemental appropriation - department of health care policy and financing. The 2018 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of health care policy and financing. The general fund, cash funds, and federal funds portions of the appropriation are increased and the reappropriated funds portion is decreased, resulting in an overall increase for the department.

The 2017 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of health care policy and financing. The cash funds and federal funds portions of the appropriation are increased.

Restrictions on funds for the department in the 2017-18 fiscal year for the payment of overexpenditures of line item appropriations are released in accordance with section 24-75-109 (4)(a).

APPROVED by Governor March 14, 2019

EFFECTIVE March 14, 2019

S.B. 19-114 Supplemental appropriation - department of human services. The 2018 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of human services. The general fund, cash funds, and federal funds portions of the appropriation are decreased and the reappropriated funds portion is increased, resulting in an overall decrease to the department.

The 2017 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of human services. The cash funds and federal funds portions of the appropriation are increased and the reappropriated funds portion is decreased, resulting in an overall increase to the department.

Appropriations made in Senate Bill 18-254, concerning reforms to child welfare services, are amended to specify that money appropriated is for foster and adoptive parent recruitment, training and support.

APPROVED by Governor February 28, 2019

EFFECTIVE February 28, 2019

S.B. 19-115 Supplemental appropriation - judicial department. The 2018 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the judicial department. The general fund, cash funds, and reappropriated funds portions of the appropriation are increased.

APPROVED by Governor February 28, 2019

EFFECTIVE February 28, 2019

S.B. 19-116 Supplemental appropriations - department of law. The 2018 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of law. The general fund and cash funds portions of the appropriation are decreased and the reappropriated funds portion is increased, resulting in an overall increase to the department.

APPROVED by Governor February 28, 2019

EFFECTIVE February 28, 2019

S.B. 19-117 Supplemental appropriation - department of local affairs. The 2018 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of local affairs. The general fund and federal funds portions of the appropriation are increased.

APPROVED by Governor February 28, 2019

EFFECTIVE February 28, 2019

S.B. 19-118 Supplemental appropriation - military and veterans affairs. The 2018 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of military and veterans affairs. The general fund portion of the appropriation is increased.

An appropriation made by House Bill 18-1337, concerning a veterans one-stop center in Grand Junction, is increased.

APPROVED by Governor February 28, 2019

EFFECTIVE February 28, 2019

S.B. 19-119 Supplemental appropriation - department of personnel. The 2018 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of personnel. The cash funds portion of the appropriation is increased and the reappropriated funds portion is decreased, resulting on an overall decrease to the department.

APPROVED by Governor February 28, 2019

EFFECTIVE February 28, 2019

S.B. 19-120 Supplemental appropriation - department of public health and environment. The 2018 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of public health and environment. The general fund, cash funds, and reappropriated funds portions of the appropriation are increased.

Appropriations made in House Bill 18-1400, concerning an increase in fees paid by stationary sources of air pollutants, is increased.

APPROVED by Governor February 28, 2019

EFFECTIVE February 28, 2019

S.B. 19-121 Supplemental appropriations - department of public safety. The 2018 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of public safety. The general fund, cash funds, and reappropriated funds portions of the appropriation are increased.

APPROVED by Governor February 28, 2019

EFFECTIVE February 28, 2019

S.B. 19-122 Supplemental appropriation - department of regulatory agencies. The 2018 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of regulatory agencies. The cash funds portion of the appropriation is decreased and the reappropriated funds are increased, resulting in no change in the amount appropriated to the department.

APPROVED by Governor February 28, 2019

EFFECTIVE February 28, 2019

S.B. 19-123 Supplemental appropriations - department of revenue. The 2018 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of revenue. The cash funds portion of the appropriation is increased.

APPROVED by Governor February 28, 2019

EFFECTIVE February 28, 2019

S.B. 19-124 Supplemental appropriations - the department of state. The 2018 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of state. The cash funds portion of the appropriation is increased.

The 2017 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of state. The cash funds portion of the appropriation is increased.

Appropriations made in Senate Bill 18-150, concerning measures to facilitate voter registration of individuals in the criminal justice system, is amended to specify the uses for the appropriated money.

APPROVED by Governor February 28, 2019

EFFECTIVE February 28, 2019

S.B. 19-125 Supplemental appropriations - department of transportation. The 2018 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of transportation. The cash funds portion of the appropriation is increased.

APPROVED by Governor February 28, 2019

EFFECTIVE February 28, 2019

S.B. 19-126 Supplemental appropriations - department of the treasury. The 2018 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of the treasury. The general fund and cash funds portions of the appropriation are increased.

APPROVED by Governor February 28, 2019

EFFECTIVE February 28, 2019

S.B. 19-127 Supplemental appropriations - capital construction. The 2018 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of corrections. The general fund portion of the appropriation is increased.

The 2017 general appropriation act is amended to clarify a line item capital construction appropriation to the offices of the governor, lieutenant governor, and state planning and budgeting.

APPROVED by Governor February 28, 2019

EFFECTIVE February 28, 2019

S.B. 19-203 Legislative appropriation - reappropriation from general assembly to legislative council. \$51,308,908 is appropriated to the legislative department for the payment of expenses in the 2019-20 state fiscal year. Additionally, the act appropriates \$25,000 to the youth advisory council cash fund within the legislative department.

For the 2018-19 state fiscal year, the act reappropriates \$125,780 from money appropriated for use by the general assembly to the legislative council and adds 0.5 FTE to the legislative council for purposes of printing legislative bills, memorials, resolutions, calendars, and journals of the general assembly.

APPROVED by Governor April 10, 2019

EFFECTIVE April 10, 2019

S.B. 19-207 General appropriation act - 2019 - long bill. For the state fiscal year beginning July 1, 2019, provides for the payment of expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2019. The grand total for the operating budget is set at \$31,933,536,156 of which \$9,202,196,421 is from the general fund portion of the appropriation; \$2,638,215,405 is from the general funds exempt portion; \$9,281,575,477 is from the cash funds portion; \$2,087,776,808 is from the reappropriated funds portion; and \$8,723,772,045 is from the federal funds portion.

The grand total for the state fiscal year beginning July 1, 2019, capital construction

projects is \$260,727,454 of which \$168,460,533 is from the capital construction fund portion of the appropriation; \$72,690,215 is from the cash funds portion; \$8,911,836 is from the reappropriated funds portion; and \$10,664,870 is from the federal funds portion.

The 2017 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the departments of education, health care policy and financing, and higher education.

The 2018 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the departments of corrections, education, health care policy and financing, higher education, human services, judicial, personnel, and public health and environment.

Appropriations made in House Bill 16-1398, concerning the requirement that the department of human services use a request-for-proposal process to contract with an entity to implement recommendations of the respite care task force, is amended to extend any unexpended money to the department of human services until the 2019-20 state fiscal year.

Appropriations made in House Bill 18-1328, concerning the children's habilitation residential waiver program, is amended to reduce the amount appropriated to the department of health care policy and financing.

APPROVED by Governor April 18, 2019

EFFECTIVE April 18, 2019

CHILDREN AND DOMESTIC MATTERS

S.B. 19-108 Juvenile justice reform - committee - membership - duties - juvenile detention working group - additional duties - district attorneys and juvenile probation use of screening tools - appropriation. The act establishes a committee on juvenile justice reform (committee) in the department of public safety (department) and establishes its membership. The act specifies duties of the committee including:

- By September 1, 2019, adopting a validated risk and needs assessment tool or tools to be used throughout the juvenile justice system;
- Selecting a mental health screening tool for juvenile offenders;
- Selecting a validated risk screening tool to be used by district attorneys in determining a juvenile's eligibility for diversion;
- By July 1, 2020, selecting a vendor to assist in the implementation of and provide training on the tools; and
- Developing plans for measuring the effectiveness of the tools.

Under current law, there is a working group under the division of youth services on detention of juvenile offenders and alternative services to detention. The act adds to the working group's duties that by January 1, 2021 it must:

- Adopt a research-based detention screening instrument, develop a plan for training on the new instrument, and submit a report on the use of the new instrument;
- Establish criteria for the alternative services and report on the effectiveness of the alternative services;
- Adopt a relative information form for parents and guardians to complete; and
- Develop a system of graduated responses and reward for juvenile parole officers.

On and after January 1, 2021, the act requires district attorney's offices to use the risk screening tools and the results of the tools in determining a juvenile's eligibility for diversion and need for services. It specifies grounds that may not be used to deny diversion and directs the division of criminal justice to collect data and report on juvenile diversion programs.

The act restricts removing a juvenile from the custody of a parent, unless the detention screening is conducted and specified findings are made, and directs that unless physical restriction is required, custody of the juvenile is given to kin or another person. It limits which juveniles may be placed in detention. In releasing a juvenile from detention, the act requires the juvenile court to use the detention screening instrument.

For juvenile probation, the act requires the state court administrator to:

- By January 1, 2021, develop a statewide system of graduated responses and incentives to change a juvenile's behavior and address violations; and
- By July 1, 2021, develop statewide standards for juvenile probation supervision and services and provide annual training on the standards.

For the 2019-20 state fiscal year, the act appropriates \$68,598 from the general fund to the judicial department; \$500,000 from the general fund to the department of human

services for the division of youth services; and \$6,315 from the general fund to the legislative department.

APPROVED by Governor May 28, 2019

PORTIONS EFFECTIVE July 1, 2019
PORTIONS EFFECTIVE July 1, 2020

S.B. 19-177 Background checks - access to child abuse and neglect records - individuals who work with children - required fingerprint-based background checks. Current law specifies what entities and agencies have access to child abuse or neglect records and reports. The act adds to that list the department of human services, when requested in writing by an individual to check records or reports of child abuse or neglect for the purpose of screening that individual when such individual's responsibilities include the care of children, treatment of children, supervision of children, or unsupervised contact with children.

The act requires a fingerprint-based criminal history record check for the following:

- Child care center employees under 18 years of age;
- Out-of-state employees working at a child care center in a temporary capacity; and
- All owners, employees, volunteers, and adults residing in a family child care home.

APPROVED by Governor May 28, 2019

EFFECTIVE May 28, 2019

S.B. 19-178 Adoption assistance program - department of human services - appropriation. The act repeals and reenacts provisions of the state's adoption assistance program (adoption program) that provides cash subsidies and other noncash benefits to families who adopt eligible children and youth who might not otherwise be adopted in order to update the adoption program. The department of human services (state department) supervises the administration of the adoption program by county departments of human or social services (county departments).

The act outlines eligibility for the adoption program and the available benefits. Determination of the type and amount of benefits to be provided through the adoption program must take into consideration the circumstances of the adopting family and the needs of the eligible child or youth being adopted. Specific benefits for an adoption made through the adoption program are detailed in a written adoption assistance agreement (agreement). The terms of an agreement are negotiated among all parties involved. The agreement must be reviewed at least every 3 years but may be reviewed sooner at the request of the adoptive parents or the county department. The adoptive parents may appeal any decision made pursuant to the provisions of the adoption program with a hearing before an administrative law judge.

The act outlines the conditions under which adoption program subsidies may be suspended or terminated and under which the agreement may be terminated.

The state department is required to keep data on the adoption program to help evaluate the adoption program's ongoing effectiveness in providing stability to families involved in the adoption of eligible children and youth. As appropriate, the state department, a county

department, or a nonprofit child placement agency is required to provide prospective adoptive families, at the time the family is matched, with information on the various benefits available through the adoption program.

For the 2019-20 state fiscal year, the act appropriates:

- \$42,143 from the general fund to the department of human services for information technology services relating to the TRAILS system, and anticipates the receipt of \$18,061 in federal funds; and
- \$60,204 from reappropriated funds to the office of the governor, to provide information technology services to the department of human services.

APPROVED by Governor May 16, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-210 Juvenile detention beds - cap reduction - report - appropriation. Under current law, the cap on the number of juvenile detention beds is 382. For the 2019-20 and future state fiscal years, the act lowers the cap to 327.

The division of youth services is directed to submit a report to the joint budget committee concerning statutory and rule changes and the financing necessary to create flexibility in the allocation of juvenile detention beds among judicial districts.

The act reduces appropriations to the department of human services to reflect the lowering of the cap.

APPROVED by Governor April 16, 2019

EFFECTIVE April 16, 2019

H.B. 19-1104 Respondent parents' counsel - access to judicial department information - representation in reinstatement petition. The act adds to the list of agencies and attorneys authorized to have statewide read-only access to the name index and register of actions for the judiciary department those attorneys who are either under contract with or authorized by the office of the respondent parents' counsel.

The act clarifies that a parent whose rights in a parent-child relationship have been terminated and who has filed a petition to reinstate the rights of a parent-child relationship is entitled to appointed counsel through the office of the respondent parents' counsel, if income eligibility criteria are satisfied.

APPROVED by Governor March 7, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1142 Child placement agencies - delegating care of a minor - temporary care assistance program - appropriation. The act permits a parent or guardian to use a temporary

care assistance program operated by a child placement agency to identify an appropriate and safe approved temporary caregiver to whom the parent or guardian can choose to delegate temporary care responsibility of a minor through a power of attorney.

Prior to July 1, 2021, only a child placement agency that is a nonprofit organization and that operates a program similar to a temporary care assistance program in 30 or more states may operate a temporary care assistance program. A temporary care assistance program must make diligent efforts to notify any parent or guardian identified having parental rights or legal decision-making authority regarding the minor's care and cannot assist a parent who is named as a respondent in an open dependency and neglect case.

A power of attorney that delegates temporary care responsibility of a minor to an approved temporary caregiver is limited to a duration of 6 months. The 6-month restriction does not apply to deployed or active duty military members. Such a power of attorney can be revoked at any time and does not change legal rights or obligations existing pursuant to a court order. The minor must be returned to the custody of the parent or guardian within 48 hours after termination of the power of attorney.

A temporary care assistance program is permitted to approve as a temporary caregiver any person who:

- Meets the standards prescribed by the temporary care assistance program;
- Satisfactorily completes required criminal and child abuse and neglect background checks and sex offender registration checks; and
- Receives training conducted by the temporary care assistance program.

A temporary care assistance program and a temporary care provider are subject to any rules applicable to noncertified kinship care that are promulgated by the department of human services and that are consistent with statutory provisions concerning temporary care assistance programs.

A power of attorney that delegates temporary care responsibility of a minor to an approved temporary caregiver does not constitute child abuse or neglect, constitute placing the minor into foster care, or relieve parents, guardians, or minors of rights and obligations pursuant to court orders.

For the 2019-20 state fiscal year, \$14,093 is appropriated from the general fund to the department of human services for use by the division of child welfare for implementation of the act.

APPROVED by Governor May 23, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1149 Colorado commission on criminal and juvenile justice - study juvenile justice services for young adults. The act directs the Colorado commission on criminal and juvenile justice (commission) to study the use of juvenile justice services and systems for adults 18 through 24 years of age (young adults). The commission shall:

- Compile data regarding all criminal filings in the state from the last 3 years that data is available in which a defendant is 18 through 24 years of age;
- Study the established brain research for young adults, the data collected, the potential impacts on the division of youth services and youthful offender system if they also served young adults, and subsequently make recommendations to the general assembly regarding appropriate uses of the juvenile justice system for young adults; and
- Create and provide a report of the collected data and recommendations for the judiciary committees of the house of representatives and senate by June 30, 2020.

APPROVED by Governor May 3, 2019

EFFECTIVE May 3, 2019

H.B. 19-1215 Child support commission recommendations - changes to the Colorado child support guidelines - administrative lien and levy - child support enforcement services fee - appropriation. The act makes changes to child support provisions recommended by the Colorado child support commission, including:

- Allocating "mandatory school fees", as defined in the act;
- Adding required federal factors that a court or delegate child support enforcement unit must consider when determining potential income of a parent who is voluntarily unemployed or underemployed;
- Reducing from 30 months to 24 months the length of time after birth that a custodial parent has before income is imputed to that parent, and changing how income is imputed for a parent sentenced to incarceration for 180 days or more or for a noncustodial parent who is attending postsecondary education;
- Increasing the self-support reserve for purposes of calculating child support from \$1,100 to \$1,500;
- Creating a \$10 minimum order for noncustodial parents with income under \$650 and making adjustments to the child support guidelines for parents with a combined, adjusted gross income up to \$3,450;
- Requiring the noncustodial parent to notify the custodial parent if a child is eligible for dependent benefits based on the noncustodial parent's retirement or disability and establishing time frames for the custodial parent to apply for dependent benefits;
- Clarifying that the Colorado child support commission is required under federal law to consider child support guidelines at least once every 4 years and shall report to the general assembly;
- Requiring a verified copy of a support judgment to be provided to all parties upon filing with the court;
- Authorizing the state child enforcement agency to issue a notice of administrative lien and levy to any financial institution holding an obligor parent's account for an obligor who is past due on child support owed to a child for whom the obligee is receiving support enforcement services from the state; and
- Increasing the fee charged for child support enforcement services from \$25, after the first \$500 is collected, to \$35 after the first \$550 is collected, and creating a cash fund for the department of human services (department) to allow the department to spend a portion of the state share of the fee on program operations.

For the 2019-20 state fiscal year, the act appropriates \$143,650 from the child support deficit reduction act fee cash fund to the department of human services, office of self sufficiency, for the automated child support enforcement system.

APPROVED by Governor May 23, 2019

PORTIONS EFFECTIVE July 1, 2019

PORTIONS EFFECTIVE July 1, 2020

H.B. 19-1219 Child welfare - permanency hearing - burden of proof - clarifications. The act repeals and reenacts the provisions related to child welfare permanency hearings to reorganize the statutes and use consistent terminology related to permanency hearings. The act clarifies the burden of proof at permanency hearings. The act includes recent federal law changes.

APPROVED by Governor May 20, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1232 Child custody - Indian child - Align requirements with federal Indian Child Welfare Act. In 2016, the bureau of Indian affairs in the United States department of the interior published updated guidelines for implementing the federal "Indian Child Welfare Act". The act updates the current statute to align the compliance requirements with federal law.

APPROVED by Governor May 28, 2019

EFFECTIVE May 28, 2019

H.B. 19-1282 Court-appointed special advocate programs - program oversight. The act relocates provisions concerning the statewide oversight of court-appointed special advocate (CASA) programs. The office of the child's representative (office) is required to enter into an agreement with a nonprofit entity (state CASA entity) to enhance the CASA program in Colorado. The state CASA entity is required to submit a report to the office concerning the performance of its duties within one month prior to receiving an allocation of money for CASA programs and, at least annually, must certify to the office the amount that each local CASA program receives from each allocation.

APPROVED by Governor May 28, 2019

EFFECTIVE May 28, 2019

H.B. 19-1288 Foster care - bill of rights for sibling youth in foster care. The act establishes certain rights for sibling youth in foster care, unless the rights are not in the best interests of either sibling, regardless of whether the parental rights of one or more of the foster youth's parents have been terminated.

APPROVED by Governor May 20, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1305 Emergency child welfare placements - criminal history record check - Indian tribes. The act includes a department or division of human or social services of an Indian tribe in the definition of county department and includes a law enforcement agency of an Indian tribe in the definition of local law enforcement agency for the purpose of conducting, and receiving records related to, fingerprint-based criminal history record checks related to emergency child welfare placements.

VETOED by Governor May 31, 2019

H.B. 19-1316 Marriage of underage persons - issuance of marriage license - rights and conditions - appropriation. The act prohibits persons under 16 years of age from obtaining a marriage license. A person who is 16 or 17 years of age may only obtain a marriage license if a juvenile court determines that the underage party is capable of assuming the responsibilities of marriage and that the marriage would serve the underage party's best interests. Prior to making this determination, the court shall appoint a guardian ad litem for the underage party to investigate the underage party's circumstances and best interests and to file a report with the court addressing the factors listed in the act and stating a position regarding whether the issuance of a marriage license is in the underage party's best interests. The act authorizes the juvenile court to appoint a guardian ad litem for purposes of judicial consent for underage marriage.

The act clarifies that an underage married person has certain rights under law, including the right to establish a separate domicile from the married person's parents; the right to file motions and petitions in the married person's own name; the right to enter into enforceable contracts, including leases for housing; and the right to consent to their own medical care.

The act clarifies that both parties to a proxy marriage must be 18 years of age.

The act prohibits complete social security numbers from appearing on marriage forms and certificates issued by county clerks and recorders and allows certain documents to prove the applicant's identity.

For the 2019-20 state fiscal year, the act appropriates \$59,850 from the general fund to the judicial department for use by the office of the child's representative for operating expenses and for court-appointed counsel.

APPROVED by Governor May 31, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1335 Juvenile record expungement - clarifications - expunge diversion without filing a case - when expungement is triggered - class 2 and 3 misdemeanor sex offenses expungement - decide continued sex offender registration with expungement - who receives notice of expungement - municipal expungement. The act makes changes and clarifications to the juvenile record expungement provisions. The act clarifies which dismissals and alternative dispositions are eligible for automatic expungement. The act allows expungement of a diversion record without filing a case and allows a victim an opportunity to object. The

act clarifies when a sentence is complete, which triggers the expungement process. Under current law, a class 1 misdemeanor sex offense can be expunged. The act allows class 2 and class 3 misdemeanor sex offenses to be expunged. The act requires the juvenile court to determine whether a juvenile who has his or her record expunged for a sex offense should have a continuing duty to register as a sex offender. The act clarifies to whom the notice of expungement needs to be sent so that only the agencies with the records receive the notice.

The act makes clear that juvenile record expungement applies in municipal court by creating a new section for municipal court expungement.

APPROVED by Governor May 28, 2019

EFFECTIVE May 28, 2019

CONSUMER AND COMMERCIAL TRANSACTIONS

S.B. 19-2 Student loan servicers - license requirement - regulation by assistant attorney general - appropriation. The act requires an entity that services a student education loan owned by a Colorado resident to be licensed by the administrator of the "Uniform Consumer Credit Code". "Servicing" means receiving a scheduled periodic payment from a student loan borrower, applying the payments of principal and interest with respect to the amounts received from a student loan borrower, and similar administrative services. The act specifies particular acts that are required of or prohibited by student loan servicers and the administrator's powers and duties. Violation of the licensing law is a deceptive trade practice. The act also creates a student loan ombudsperson to provide timely assistance to student loan borrowers.

\$115,273 is appropriated to the department of law from the general fund to implement the act.

APPROVED by Governor May 13, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-90 Peer-to-peer car sharing - insurance - equipment - notifications. The act regulates peer-to-peer car sharing programs as follows:

- Requires the shared car to be covered by insurance from the driver or from the program, but if the program provides the insurance, the required coverage is 3 times the normal required coverage;
- If the required insurance is provided by the driver, the program must carry insurance to cover a lapse or lack of coverage, and this insurance may be purchased from a surplus lines insurer;
- Makes the insurance that satisfies the required coverage the primary insurance;
- Requires the program to notify the car owner that sharing the car may violate any lien on the car;
- The program must assume liability up to the required coverages, except liability caused by the shared car owner's material misstatement of fact or the shared car owner's actions in concert with a shared car driver who fails to return the shared car;
- Authorizes the shared car owner's insurer to exclude coverage when the car is being used in a program, and gives the insurer a right of contribution for any claims made as a result of the car sharing;
- Prohibits an insurer from refusing to insure a shared car outside the sharing solely because the car covered under the policy has been made available for car sharing;
- Sets record-keeping requirements;
- Clarifies that the program and a shared car owner are covered by the exemption set forth in federal law exempting rental companies from vicarious liability based on ownership of the car;
- Authorizes a program to be the named insured for a shared car;
- Requires the program to make certain disclosures and provide an emergency telephone number;

- Requires the program to verify that the driver is licensed to drive and keep records of this verification;
- Makes the program responsible for any equipment installed on the car for sharing purposes;
- Requires the program and the car owner, when there is a safety recall on the car, to remove the car from the program until the car is repaired; and
- Requires a program to enter into concession agreements with local airports to collect the airport fees on car sharing at an airport.

APPROVED by Governor May 31, 2019

EFFECTIVE January 1, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1069 Sign language interpreters - title protection - certification - appropriation. The act adds "translator" and "certified translator" for sign language to the list of titles that a person certified by the Registry of Interpreters for the Deaf, Inc., may use. The act also authorizes the Colorado commission for the deaf, hard of hearing, and deafblind to approve certifications of sign language interpreters to use the mentioned titles.

\$19,440 is appropriated from the Colorado telephone users with disabilities fund to the department of human services to implement the act.

APPROVED by Governor April 16, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1231 Appliances and plumbing fixtures - water and energy efficiency standards for new products sold in Colorado - phase-in of requirements - list of products covered - rule-making authority - enforcement. The act updates and adopts standards for water efficiency and energy efficiency that apply to a list of consumer and commercial appliances and other products. The standards are based on state standards, federal Energy Star and WaterSense specifications, and industry standards in most cases or, where a standard is not incorporated by reference, the standard is specified by statute.

The standards apply to new products sold in Colorado and are phased in over a period of 3 years, with general service lamps covered beginning in 2020, air compressors and portable air conditioners covered beginning in 2022, and all other listed products covered beginning in 2021. The act also keeps in place the water efficiency standards on certain products that were added to the Colorado statutes in 2014. The sale of a noncomplying product after the effective date of the applicable standard is punishable through a civil enforcement action by the attorney general, with penalties of up to \$2,000 per violation or, in the case of the sale of a noncomplying product to an elderly person, \$10,000 per violation.

The executive director of the department of public health and environment is directed to collect and publish the standards that are incorporated by reference. The executive director is also authorized, but not required, to adopt rules incorporating more recent versions of standards or test methods in order to maintain or improve consistency with other state or

federal agency standards, subject to a one-year grace period between adoption and enforcement of any new or amended standards.

APPROVED by Governor May 30, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1289 Consumer protection - violations based on recklessness - increased penalties for certain violations - calculation of damage awards. The act:

- Adds "recklessly" as a culpable mental state for certain violations of the "Colorado Consumer Protection Act";
- Increases the potential penalty for a violation brought by the attorney general or a district attorney from \$2,000 to \$20,000 per violation and from \$10,000 to \$50,000 per violation if committed against an elderly person; and
- Specifies the calculation of potential damage awards in a private civil action.

APPROVED by Governor May 23, 2019

EFFECTIVE May 23, 2019

CORPORATIONS AND ASSOCIATIONS

S.B. 19-86 Business entities - updates to governing law - appropriation. The act makes the following changes to the "Colorado Business Corporation Act" (CBCA) and conforming changes to the "Colorado Corporations and Associations Act" (CCAA):

- Deletes definitions in the CCAA that are no longer necessary (section 1);
- Updates provisions in the CCAA to clarify conversions and mergers of entities and exchanges of owners' interests in entities (sections 2 through 18);
- Updates provisions in the CCAA addressing the requirements for the name of an entity formed under Colorado law or qualified to do business in Colorado as a foreign entity (sections 19 through 21);
- Updates provisions in the CCAA regarding court proceedings that may be filed by a dissolved Colorado entity for a determination of the amount and form of security to be provided for payment of claims that are contingent or unknown or that arose from events occurring after dissolution (sections 22 through 24);
- Adds definitions to and updates definitions in the CBCA (section 25);
- Reorganizes certain provisions that are optional to include in the articles of incorporation of a Colorado corporation so that they appear in a single location to avoid confusion (section 28);
- Adds an optional forum selection provision similar to that found in other states and the "Model Business Corporation Act" (section 29);
- Updates provisions for proxies and treatment for voting purposes of shares held by intermediaries and nominees (sections 31 and 32);
- Updates provisions for the general standards of conduct for directors and officers and standards of liabilities for directors (section 35);
- Updates provisions dealing with conflicting interest transactions and corporate opportunities (section 36);
- Updates provisions dealing with indemnification of directors, officers, employees, fiduciaries, and agents and advancement of expenses (sections 38 through 46);
- Updates provisions dealing with corporate mergers, conversions, and exchanges by reference to the updated provisions in the CCAA (sections 47 through 55);
- Repeals and reenacts, with amendments, former article 113 of title 7, Colorado Revised Statutes, relating to dissenters' rights and substitutes provisions to define the procedure to obtain appraisal rights in lieu of dissenters' rights (section 56); and
- Updates the provisions establishing the grounds and procedures for seeking judicial dissolution and providing for an election by one or more shareholders to purchase shares owned by the petitioning shareholders in lieu of proceeding with judicial dissolution (sections 57 through 60).

The act also updates certain provisions of articles 55 and 56 of title 7, Colorado Revised Statutes, regarding various forms of cooperatives, as well as articles 41 (domestic associations organized as savings and loan associations) and 103 (state banks) of title 11, Colorado Revised Statutes, to be consistent with changes made in the CBCA (sections 63 through 65, 68, and 69).

\$59,360 is appropriated from the department of state cash fund to the department of

state to implement the act.

APPROVED by Governor May 13, 2019

EFFECTIVE July 1, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

CORRECTIONS

S.B. 19-143 Prison population management - file review - technical violations revoke parole - parolee intensive treatment program - full board approval circumstance - reentry services if not released on parole - table parole review - appropriation. Under current law, there are prison population measures that can be used when the vacancy rate drops below 2%. The act changes the rate to 3% and adds a new measure. The new measure allows the department to submit a list of inmates who meet a specified eligibility criteria, have a favorable parole plan, and have been assessed to be less than high risk to the parole board for a file review.

For technical parole violations related to possession of a deadly weapon, refusing or failing to comply with the requirements of sex offender treatment, absconding or willful failure to appear, unlawful contact with a victim, or willful tampering or removal of an electronic monitoring device, the act allows the parole board to revoke parole and place the inmate back in prison for up to the remainder of the inmate's parole.

The act allows the parole board to place a parolee who needs treatment and is amenable to treatment in a parolee intensive treatment program operated by the department in a level I security facility or equivalent facility.

If an inmate meets criteria and has an approved parole plan, has been assessed low or very low risk, and parole guidelines recommend release, the parole board may deny parole only by a majority vote of the full board.

The act provides an inmate released from prison without supervision the right to access reentry services for up to one year from the date of discharge.

The act requires the parole board to table a parole release decision if it finds the inmate's parole plan is inadequate and to require a new parole plan within 30 days.

The act appropriates \$25,200 from the general fund to the department of corrections for information technology services.

APPROVED by Governor May 28, 2019

EFFECTIVE May 28, 2019

S.B. 19-165 State board of parole - membership - appropriation. The act increases the state board of parole's (board) membership by 2, for a total of 9 members. The 2 additional members must have experience in a field relevant to the work of the board.

\$293,774 is appropriated to the department of corrections to implement this act.

APPROVED by Governor May 20, 2019

EFFECTIVE May 20, 2019

S.B. 19-259 State prisons - bed shortages - CSP II - input from prison population interim committee. Under current law, the Centennial south campus of the Centennial correctional facility (CSP II) is not available to house inmates. The act allows CSP II to be used to house inmates when the state male prison vacant bed rate, excluding RTP treatment beds, remains

below one percent vacancy for 2 consecutive months. Once the prison population surpasses one percent vacancy, the department of corrections (department) shall transfer any inmates housed in CSP II to an appropriate facility under the department's control within 30 calendar days. No more than 126 inmates may be housed at CSP II.

The department shall report the use of CSP II to the joint budget committee and the judiciary committees of the senate and the house of representatives, or any successor committees, within 5 calendar days after the use and will make monthly reports during its use.

The act requires the department to consider input from the prison population management interim committee regarding:

- Strategies to safely reduce the prison population and reduce recidivism; and
- Prison use analysis.

These provisions repeal September 1, 2020.

APPROVED by Governor May 28, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1224 Facilities - menstrual hygiene products. The act requires the following facilities to provide whichever menstrual hygiene products are requested by a person in custody to the person in custody at no expense to the person in custody:

- Local jails, multijurisdictional jails, and municipal jails;
- Correctional facilities and private contract prisons; and
- Department of human services facilities.

The act prohibits any facility required to provide menstrual hygiene products pursuant to the act from imposing any condition or restriction on a person's access to menstrual hygiene products.

The act requires cities and counties that are seeking reimbursement from the state for maintaining people in a local jail after their sentence to the department of corrections' custody to annually report costs of menstrual hygiene products to the joint budget committee.

APPROVED by Governor April 25, 2019

EFFECTIVE April 25, 2019

H.B. 19-1297 County jails - data collection - appropriation. The act expands the information that a keeper of a jail (keeper) is required to maintain about the jail and the inmates confined in the jail. The keeper is required to submit a quarterly report of this information to the division of criminal justice within the department of public safety (division), and the division is required to publish that information in a searchable and sortable format.

For the 2019-20 state fiscal year, \$26,107 is appropriated from the general fund to the

department of public safety for use by the division of criminal justice.

APPROVED by Governor May 31, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

COURTS

S.B. 19-36 State court administrator - court reminder program - appropriation. The state court administrator must administer a court reminder program (program) in district courts, county courts, and municipal courts that use the judicial department's case management system. The program must remind criminal defendants and juveniles who are alleged to have committed a delinquent act to appear at their scheduled hearings and provide reminders about unplanned court closures. The judicial department is required to include information about the program in its annual report to the general assembly.

A court that participates in the program and a person who serves a juvenile or the juvenile's parent with a summons or a written promise to appear in court must notify criminal defendants and juveniles and the juveniles' parents of the opportunity to provide a mobile telephone number that will be used by the court solely to provide text message reminders for future court dates and unplanned court closures. A summons that is issued in lieu of a warrant must advise the person summonsed that he or she may provide a phone number to receive such reminders.

A phone number collected for the express purpose of administering the program must be kept separate from other identifying information and must only be used to achieve the objectives of the program.

For the 2018-19 state fiscal year, \$203,612 is appropriated to the judicial department from the general fund for information technology infrastructure.

APPROVED by Governor May 28, 2019 **PORTIONS EFFECTIVE** August 2, 2019
PORTIONS EFFECTIVE July 1, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-43 District court judges - increases - outreach position - reports - appropriation. The act increases by one the number of district court judges in the first, eighth, tenth, thirteenth, seventeenth, eighteenth, and twenty-first judicial districts; by 2 in the fourth and nineteenth judicial districts; and by 4 in the second judicial district.

The act creates a new position in the judicial department for outreach and education of judicial positions. The position provides reports to the chief justice and the judiciary committees of the senate and the house of representatives, or any successor committees, concerning the background, professional history, and qualifications of judicial officers. The act also requires the state court administrator to annually report to specified committees of the general assembly specified case management statistics.

The act appropriates \$7,417,731 to the judicial department to implement the increased number of judges and the new position.

APPROVED by Governor March 21, 2019 **EFFECTIVE** March 21, 2019

S.B. 19-71 Child hearsay exception. The act amends the statutory exception to the hearsay rule to admit an out-of-court statement made by a child if certain conditions are satisfied in:

- Any criminal, delinquency, or civil proceeding in which the child (a person under 13 years of age) is alleged to have been a victim; or
- Any criminal, delinquency, or civil proceeding in which the child describes all or part of an offense of unlawful sexual behavior.

APPROVED by Governor March 21, 2019

EFFECTIVE July 1, 2019

S.B. 19-100 Uniform civil remedies for unauthorized disclosure of intimate images act. The act creates the "Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act". An individual whose body is shown in whole or in part in an intimate image and who has suffered harm from a person's intentional disclosure or threatened disclosure of that intimate image without the depicted individual's consent has a cause of action against that person if the person knew:

- The depicted individual did not consent to the disclosure;
- The intimate image was private; and
- The depicted individual was identifiable.

The act provides an exception to the civil action if the disclosure is made in good faith under various circumstances or if the person disclosing the image is a parent or guardian and has not disclosed the image for purposes of sexual arousal, sexual gratification, humiliation, degradation, or monetary or commercial gain.

A successful plaintiff may recover:

- The greater of:
 - Economic and noneconomic damages proximately caused by the defendant's disclosures or threatened disclosures, including damages for emotional distress whether or not accompanied by other damages; or
 - Statutory damages not to exceed \$10,000 against each defendant found liable for all disclosures or threatened disclosures by the defendant;
- An amount equal to the gain made by the defendant from disclosure of the intimate image if applicable;
- Punitive damages;
- Reasonable attorney fees and costs; and
- Additional relief, including injunctive relief.

The civil action has a 6-year statute of limitation.

APPROVED by Governor April 8, 2019

EFFECTIVE April 8, 2019

S.B. 19-109 Limitations on damages - adjustment for inflation every 2 years. The limitations on the amount of damages for unlawfully serving alcohol, for noneconomic loss or injury, and for wrongful death were last adjusted for inflation on January 1, 2008. The act adjusts those damage limitations for inflation on January 1, 2020, and each January 1 every

2 years thereafter.

APPROVED by Governor April 8, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-180 Forcible entry and detainer - legal aid services - eviction legal defense fund - appropriation. The act creates the eviction legal defense fund (fund). The state court administrator awards grants from the fund to qualifying nonprofit organizations (organizations) that provide legal advice, counseling, and representation for, and on behalf of, indigent clients who are experiencing an eviction or are at immediate risk of an eviction. The act lists permissible uses of grant money awarded from the fund.

Organizations that receive a grant from the fund are required to report to the state court administrator certain information about persons served and services provided by the organization. The state court administrator is required to evaluate the use of grants from the fund every 5 years and submit that evaluation to the general assembly.

For the 2019-20 state fiscal year, \$750,000 is appropriated from the general fund to the eviction legal defense fund created through the act.

APPROVED by Governor May 30, 2019

EFFECTIVE May 30, 2019

S.B. 19-187 Commissions on judicial performance - senior judges - vacancies - surveys. Currently, senior judges are evaluated by the state commission on judicial performance (state commission). The act repeals this provision and makes conforming amendments.

Under current law, for a vacancy on a state or district commission on judicial performance, if the appointing authority does not appoint a replacement within 45 days after the vacancy arises, the governor appoints a replacement member of the commission. The act changes this from the governor to the state commission.

The act provides that surveys of justices and judges are to be distributed primarily through electronic means and directs the state commission to make efforts to locate electronic addresses for persons who use the courts.

For rules of the state commission, the act clarifies that they may provide for a matrix or scorecard to evaluate a judge or justice and repeals the requirement that the rules contain a threshold for deciding whether a judge or justice meets a performance standard.

APPROVED by Governor May 30, 2019

EFFECTIVE May 30, 2019

H.B. 19-1042 Juvenile court jurisdiction for guardianship and parental responsibilities proceedings - findings supporting federal special immigrant juvenile classification. The act extends the jurisdiction of the court for guardianship proceedings and proceedings concerning the allocation of parental responsibilities for certain unmarried youth under 21 years of age who meet the requirements for such orders, as well as criteria specified in the

act, and for whom findings are sought from the court that may support an application for special immigrant juvenile classification under federal law. The act clarifies that juvenile courts exercising jurisdiction for certain purposes may also enter findings establishing eligibility for special immigrant juvenile classification under federal law.

APPROVED by Governor March 28, 2019

EFFECTIVE March 28, 2019

H.B. 19-1045 Public guardianship - commission - office of public guardianship - appropriation. The act removes the condition that the public guardianship commission (commission) and director for the office of public guardianship (office) wait to carry out certain duties until the public guardianship cash fund has received \$1,700,000 in gifts, grants, and donations. The act requires the office, upon receiving sufficient funding, to begin operations in the second judicial district prior to operating in any other judicial district. The office's reporting deadlines are extended from 2021 to 2023. The office is required to implement its discontinuation plan if there is no legislation to continue or expand the office prior to adjournment sine die of the 2023 legislative session.

The act increases specified court fees and requires the state treasurer to deposit the balance of the increased fees in the office of public guardianship cash fund.

For the 2019-20 state fiscal year, \$835,386 is appropriated to the judicial department for use by the office of public guardianship. Of this amount, \$427,000 is from the general fund and \$408,386 is from the office of public guardianship cash fund.

APPROVED by Governor May 30, 2019

EFFECTIVE July 1, 2019

H.B. 19-1118 Violation of rental agreements - notice requirements - time to cure violation. The act concerns the time frames in which certain landlords must give notice to tenants prior to commencing eviction proceedings for failure to pay rent or for a first or subsequent violation of any other condition or covenant other than a substantial violation. Under most residential agreements, a landlord is required to give 10 days notice. Under a nonresidential or an employer-provided housing agreement, a landlord is required to give 3 days notice. For an exempt residential agreement, meaning for the lease of a single family home by a landlord who owns 5 or fewer single family rental homes, 5 days notice is required.

APPROVED by Governor May 20, 2019

EFFECTIVE May 20, 2019

H.B. 19-1177 Firearms - extreme risk protection order - petition requirements - hearings - firearm surrender options - termination hearing - appropriation. The act creates the ability for a family or household member or a law enforcement officer to petition the court for a temporary extreme risk protection order (ERPO) beginning on January 1, 2020. The petitioner must establish by a preponderance of the evidence that a person poses a significant risk to self or others by having a firearm in his or her custody or control or by possessing, purchasing, or receiving a firearm. The petitioner must submit an affidavit signed under oath and penalty of perjury that sets forth facts to support the issuance of a temporary ERPO and a reasonable basis for believing they exist. The court must hold a temporary ERPO hearing in person or by telephone on the day the petition is filed or on the court day immediately

following the day the petition is filed.

After issuance of a temporary ERPO, the court must schedule a second hearing no later than 14 days following the issuance to determine whether the issuance of a continuing ERPO is warranted. The court shall appoint counsel to represent the respondent at the hearing. If a family or household member or a law enforcement officer establishes by clear and convincing evidence that a person poses a significant risk to self or others by having a firearm in his or her custody or control or by possessing, purchasing, or receiving a firearm, the court may issue a continuing ERPO. The ERPO prohibits the respondent from possessing, controlling, purchasing, or receiving a firearm for 364 days.

Upon issuance of the ERPO, the respondent shall surrender all of his or her firearms and his or her concealed carry permit if the respondent has one. The respondent may surrender his or her firearms either to a law enforcement agency or a federally licensed firearms dealer, or, if the firearm is an antique or relic or curio, the firearm may be surrendered to a family member who is eligible to possess a firearm and who does not reside with the respondent. If a person other than the respondent is determined to be the lawful owner of any firearms surrendered to law enforcement, the firearm must be returned to him or her.

The respondent can motion the court once during the 364-day ERPO for a hearing to terminate the ERPO. The respondent has the burden of proof at a termination hearing. The court shall terminate the ERPO if the respondent establishes by clear and convincing evidence that he or she no longer poses a significant risk of causing personal injury to self or others by having in his or her custody or control a firearm or by purchasing, possessing, or receiving a firearm. The court may continue the hearing if the court cannot issue an order for termination at that time but believes there is a strong possibility the court could issue a termination order prior to the expiration of the ERPO.

The petitioner requesting the original ERPO may request an extension of the ERPO before it expires. The petitioner must show by clear and convincing evidence that the respondent continues to pose a significant risk of causing personal injury to self or others by having a firearm in his or her custody or control or by purchasing, possessing, or receiving a firearm. If the ERPO expires or is terminated, all of the respondent's firearms must be returned within 3 days of the respondent requesting return.

The act requires the state court administrator to develop and prepare standard petitions and ERPO forms. Additionally, the state court administrator at the judicial department's "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearing shall provide statistics related to petitions for ERPOs.

The act appropriates \$119,392 from the general fund to the judicial department for court costs, jury costs, and court-appointed counsel costs.

APPROVED by Governor April 12, 2019

EFFECTIVE April 12, 2019

H.B. 19-1189 Wage garnishment - disposable earnings - hardship exemption - notice - applicability. Under current law, the amount of an individual's disposable earnings subject to garnishment is either 25% of the individual's disposable weekly earnings or the amount by which an individual's disposable earnings for a week exceed 30 times the state or federal

minimum wage, whichever is less. The act changes the amount subject to garnishment to 20% of the individual's disposable weekly earnings 40 times the amount by which an individual's disposable earnings for a week exceed the state or federal minimum wage.

Currently, the cost of court-ordered health insurance for a child provided by an individual is deducted from the individual's disposable earnings subject to garnishment. The act also deducts from an individual's disposable earnings subject to garnishment the cost of any health insurance that is provided by the individual's employer and voluntarily withheld from the individual's earnings.

The act creates an exemption that would permit individuals to prove that the amount of their pay subject to garnishment should be further reduced or eliminated altogether if the individual can establish that such reductions are necessary to support the individual or the individual's family. The act also requires clearer and more timely notice to an individual whose wages are being garnished and gives the individual more time after receiving the notice before garnishment starts.

The act applies to all writs of garnishment issued on or after October 1, 2020, regardless of the date of the judgment that is basis of the writ of garnishment.

APPROVED by Governor May 20, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1205 Restorative justice coordinating council - expenses reimbursement. Under current law, members of the restorative justice coordinating council may not be reimbursed for expenses. The act allows reimbursement of expenses.

APPROVED by Governor May 28, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1220 Court facility dog - requirements - jury instruction. The act allows a court, upon motion of a party or upon its own motion, to allow a witness to testify during criminal proceedings while a court facility dog is in the courtroom if certain conditions are satisfied.

The act requires a court facility dog to have graduated from training in providing support to witnesses testifying during proceedings without causing a distraction during proceedings. The training must be provided by a properly accredited organization.

The act allows the court discretion to instruct the jury, if a jury instruction is requested by a party who objected to the presence of the court facility dog or upon agreement of the parties, on the role of the court facility dog so that the presence of the court facility dog does not improperly influence the jury.

The act clarifies that nothing in the act precludes or interferes with the rights of a

qualified individual with a disability who is accompanied by a service animal pursuant to state or federal law.

APPROVED by Governor May 1, 2019

EFFECTIVE July 1, 2019

H.B. 19-1275 Criminal record sealing - simplified sealing no conviction - petition for sealing petty offenses through class 3 felonies and level 2 drug felonies - appropriation. The act repeals and reenacts the statutes related to sealing criminal justice records. The act creates a simplified process to seal criminal justice records when:

- A case against a defendant is completely dismissed because the defendant is acquitted of all counts in the case;
- The defendant completes a diversion agreement when a criminal case has been filed; or
- The defendant completes a deferred judgment and sentence and all counts are dismissed.

The court seals those records within the criminal case without requiring the defendant to file a separate civil action.

The act allows a defendant to petition for sealing criminal justice records when there is a criminal conviction and without requiring the defendant to file a separate civil action as follows:

- If the offense is a petty offense or a drug petty offense, the motion may be filed one year after the later of the date of the final disposition of all criminal proceedings against the defendant or the release of the defendant from supervision concerning a criminal conviction. The court seals the records if the defendant has not been convicted of a criminal offense since the later of the above dates.
- If the offense is a class 2 or 3 misdemeanor or any drug misdemeanor, the motion may be filed 2 years after the later of the date of the final disposition of all criminal proceedings against the defendant or the release of the defendant from supervision concerning a criminal conviction. The district attorney can object to the sealing. If the district attorney does not object and the crime is not a victims' rights act crime, the court seals the case if the defendant has not been convicted of a criminal offense since the later of the above dates. If the district attorney objects or the victim request a hearing, the court makes the determination after a hearing.
- If the offense is a class 4, 5, or 6 felony, a level 3 or 4 drug felony, or a class 1 misdemeanor, the motion may be filed 3 years after the later of the date of the final disposition of all criminal proceedings against the defendant or the release of the defendant from supervision concerning a criminal conviction. The district attorney can object to the sealing. If the district attorney does not object and the crime is not a victims' rights act crime, the court seals the case if the defendant has not been convicted of a criminal offense since the later of the above dates. If the district attorney objects or the victim request a hearing, the court makes the determination after a hearing and considering the district attorney's position.
- For all other offenses, the petition may be filed 5 years after the later of the

date of the final disposition of all criminal proceedings against the defendant or the release of the defendant from supervision concerning a criminal conviction. The district attorney can object to the sealing. If the district attorney does not object, the court seals the case if the defendant has not been convicted of a criminal offense since the later of the above dates. If the district attorney objects, the court makes the determination after a hearing and considering the district attorney's position.

The act specifies the offenses for which sealing is not eligible including class 1, 2, and 3 felonies and level 1 drug felonies. The act retains the specific record sealing provisions for when no charges are filed and for victims of human trafficking, municipal offenses, and posting intimate photos of a person offenses.

The act states a defendant is not required to waive his or her right to file a motion to seal as a condition of a plea agreement.

The act appropriates \$47,361 to the judicial department from the judicial stabilization cash fund for the trial courts. The act appropriates \$443,847 to the department of public safety from the Colorado bureau of investigation identification unit fund for the biometric identification and records unit.

APPROVED by Governor May 28, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1324 Anti Strategic lawsuit against public participation - motions to dismiss - appeal. The act establishes an expedited process for a court to follow in a civil action in which a defendant files a motion to dismiss based upon the fact that the defendant was exercising the defendant's constitutional right to petition the government or of free speech. The act also authorizes an interlocutory appeal of the granting or certain denials of the motion to dismiss.

APPROVED by Governor June 3, 2019

EFFECTIVE July 1, 2019

CRIMINAL LAW AND PROCEDURE

S.B. 19-8 Substance use disorders - alternatives to arrest and criminal charges for persons in need of substance use treatment - treatment in prisons and jails - record sealing - harm reduction program - appropriation. The act enacts policies related to the involvement of persons with substance use disorders in the criminal justice system. The Colorado commission on criminal and juvenile justice is required to study and make recommendations concerning:

- Alternatives to filing criminal charges against individuals with substance use disorders who have been arrested for drug-related offenses;
- Best practices for investigating unlawful opioid distribution in Colorado; and
- A process for automatically sealing criminal records for drug offense convictions.

Jails that receive funding through the jail-based behavioral health services program must have a policy in place on or before January 1, 2020, that describes how medication-assisted treatment will be provided, when necessary, to individuals in the jail. The jail may enter into agreements with community agencies and organizations to assist in the development and administration of medication-assisted treatment.

The department of corrections (DOC) is required to allow medication-assisted treatment to be provided to persons who were receiving treatment in a local jail prior to being transferred to the custody of the DOC. The DOC may enter into agreements with community agencies and organizations to assist in the development and administration of medication-assisted treatment.

The act adds to an existing legislative declaration that the substance abuse trend and response task force should formulate a response to current and emerging substance abuse problems from the criminal justice, prevention, and treatment sectors that includes the use of drop-off treatment services, mobile and walk-in crisis centers, and withdrawal management programs as an alternative to entry into the criminal justice system for offenders of low-level drug offenses.

The act creates a simplified process for sealing convictions for level 4 drug felonies, all drug misdemeanors, and any offense committed prior to October 1, 2013, that would have been a level 4 drug felony or drug misdemeanor if committed on or after October 1, 2013. A defendant may file a motion to seal records 3 years or more after final disposition of the criminal proceedings. Conviction records may be sealed only after a hearing and upon court order. This provision of the act is contingent upon House Bill 19-1275 being enacted and becoming law.

The harm reduction grant program is established to reduce health risks associated with drug use and improve coordination between law enforcement agencies, public health agencies, and community-based organizations. Grants may be awarded to nonprofit organizations, public health agencies, and law enforcement agencies. The department of regulatory agencies shall review the grant program prior to its scheduled repeal in 2024.

The following appropriations are made for the 2019-20 state fiscal year:

- \$1,963,832 is appropriated from the general fund to the department of human

- services for use by the office of behavioral health;
- \$492,750 is appropriated from the general fund to the department of corrections;
- \$1,800,000 is appropriated from the marijuana tax cash fund to the harm reduction grant program, which the department of public health and environment is responsible for the accounting related to such appropriation; and
- \$40,300 is appropriated from the general fund to the department of public safety for use by the division of criminal justice for administrative services.

APPROVED by Governor May 23, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-14 Secondhand dealers - gift card transactions - record-keeping. The act requires secondhand dealers who purchase gift cards to keep a record of those purchases. Failure to record the purchases in an electronic database is a class 3 misdemeanor. The act requires pawnbrokers to record the identification number, retailer name, and value of each gift card sold. The act adds a gift card to the definition of a "valuable article", which triggers certain record-keeping requirements.

APPROVED by Governor April 8, 2019

EFFECTIVE April 8, 2019

S.B. 19-30 Failure to advise consequences of guilty pleas or dismissal of charges - unconstitutionality - procedure - appropriation. The act finds that some criminal defendants who, when they entered a guilty plea in connection with a deferred judgment or had charges related to drugs dismissed under a since repealed provision of law, were not advised that there may be adverse immigration consequences that attach to the plea even if the plea is later withdrawn and the case is dismissed. These defendants did not knowingly, intelligently, and voluntarily enter the plea of guilty as required by law or understand the consequences of the dismissal. The act authorizes these persons to petition the court for an order vacating the guilty plea and establishes procedures for such petitions.

The act appropriates \$543,461 to the judicial department for trial court programs and \$55,139 to the department of law for use by the appellate unit.

APPROVED by Governor May 28, 2019

EFFECTIVE May 28, 2019

S.B. 19-49 Statute of limitations - failure to report child sexual abuse - 3 years. The act makes the statute of limitations 3 years for failure to report child abuse when a mandatory reporter has reasonable cause to know or suspect that a child has been subjected to unlawful sexual behavior or observed the child being subjected to circumstances or conditions that would reasonably result in unlawful sexual behavior.

APPROVED by Governor March 28, 2019

EFFECTIVE March 28, 2019

S.B. 19-64 Criminal justice programs - cash funds created - transfers. Currently, money appropriated but unspent for the community-based reentry grant program, the crime victims grant program, the justice reinvestment crime prevention grant program, and the justice reinvestment crime prevention small business program (programs) reverts to the general fund at the end of the fiscal year. The act creates cash funds for each of the programs so that money for the programs is appropriated into the cash funds and unspent money is available for spending in future years. At the end of the 2018-19 and 2019-20 fiscal years, unspent money for the programs is transferred to the new cash funds rather than reverting to the general fund.

Currently, the justice reinvestment crime prevention initiative is scheduled for repeal on September 1, 2020. The act extends the repeal date to September 1, 2023.

APPROVED by Governor May 14, 2019

EFFECTIVE May 14, 2019

S.B. 19-172 At-risk persons - unlawful abandonment - false imprisonment - appropriation. The act makes it a crime to unlawfully abandon an at-risk person. The intentional and unreasonable desertion of an at-risk person in a manner that endangers the safety of that person constitutes unlawful abandonment. Unlawful abandonment is a class 1 misdemeanor.

The act creates the crime of false imprisonment of an at-risk person if:

- The person knowingly confines or detains an at-risk person in a locked or barricaded room or other space; and
- Such confinement or detention was part of a continued pattern of cruel punishment or unreasonable isolation or confinement of the at-risk person; or
- The person knowingly and unreasonably confines or detains an at-risk person by tying, caging, chaining, or otherwise using similar physical restraints to restrict the at-risk person's freedom of movement; or
- The person knowingly and unreasonably confines or detains an at-risk person by means of force, threats, or intimidation designed to restrict the at-risk person's freedom of movement.

False imprisonment of an at-risk person is a class 6 felony pursuant to the first 2 ways to commit the crime and a class 1 misdemeanor pursuant to the third.

To comply with the statutorily-required prison costs of the act, the act appropriates:

- For the 2019-20 state fiscal year, \$110,652 from the capital construction fund to the corrections expansion reserve fund;
- For the 2020-21 state fiscal year, \$26,220 to the department of corrections from the general fund; and
- For the 2021-22 state fiscal year, \$1,902 to the department of corrections from the general fund.

APPROVED by Governor May 30, 2019

EFFECTIVE July 1, 2019

S.B. 19-185 Minor victims of human trafficking - immunity - affirmative defense report - post-enactment review. The act clarifies definitions in the "Colorado Children's Code"

concerning victims of human trafficking of a minor for involuntary servitude and for sexual servitude.

The act creates immunity for a violation of a prostitution-related offense if probable cause exists to believe that a minor was a victim of either human trafficking of a minor for involuntary servitude or for sexual servitude.

The act establishes an affirmative defense for all criminal violations, except class 1 felonies, if a minor proves that he or she was:

- A victim of human trafficking of a minor for involuntary servitude or sexual servitude; and
- Forced or coerced into engaging in the criminal acts.

The act also requires that, if a law enforcement officer encounters a minor and there is probable cause to believe that the minor was a victim of human trafficking of a minor for sexual servitude, the officer shall report the suspected violation to the county department of human or social services or the child abuse hotline.

The act requires the legislative services agencies of the general assembly to conduct a review of the implementation of the act 5 years after May 6, 2019.

APPROVED by Governor May 6, 2019

EFFECTIVE May 6, 2019

S.B. 19-191 Pretrial release - post bond within 2 hours - nominal processing fees - release 4 hours after posting bond - release even if costs or fees need to be paid - plan for bond hearing within 48 hours - application of bond toward fees, costs, fines, restitution, or surcharges. The act creates rights for defendants related to release on bond as follows:

- Unless extraordinary circumstances exist, a defendant must be allowed to post bond within 2 hours after the sheriff receives the bond information from the court;
- Unless extraordinary circumstances exist, a defendant cannot be charged more than a \$10 bond processing fee and not charged any additional transaction fees including kiosk fees; except that a standard credit card processing fee may be charged when a credit card is used;
- Unless extraordinary circumstances exist, the custodian of a jail has to release a defendant within 4 hours after the defendant has posted bond and is physically present in the jail; except that, if the defendant needs to be fitted for an electronic monitoring device, then the 4-hour period does not apply; and
- If a defendant has been granted bond and can meet the terms of the bond, the court shall release the defendant even if the defendant is unable to pay a fee or cost.

The act requires the chief judge of each judicial district to develop a plan for setting bond for all in-custody defendants within 48 hours of arrest. In developing the plan, county commissioners, sheriffs, and district attorneys shall provide the chief judge cost estimates of feasibility as well as any potential savings from the proposal, including jail bed costs and savings. No later than November 1, 2019, the state court administrator's office shall report to the judiciary committees of the house of representatives and the senate the plans for all 22

judicial districts, not including the Denver county court. The report must include an estimate of resources necessary to implement a 48-hour requirement.

Under current law, a defendant's bond deposit can be applied to court costs, fees, fines, restitution, or surcharges owed by the defendant. The act allows application of the bond if the defendant posted the bond and agrees in writing to allow it to be used for such purposes. The act prohibits that application if the bond was posted by a third party.

APPROVED by Governor May 28, 2019

PORTIONS EFFECTIVE August 2, 2019

PORTIONS EFFECTIVE January 1, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-211 Criminal mental health programs - extension - report - appropriation. In 2018, the general assembly established the mental health criminal justice diversion pilot program (pilot program) and the mental health criminal justice grant program (grant program). The act extends the grant program an additional year and removes the cap on the total of all grants awarded per year. The act also requires the state court administrator to provide reports to specified committees of the general assembly concerning both the pilot program and the grant program.

The act appropriates \$442,543 to the judicial department for the grant program.

APPROVED by Governor April 16, 2019

EFFECTIVE April 16, 2019

S.B. 19-223 Competency to proceed - timing - services - reports - tracking system - placement guidelines - training - immunity - appropriations. When a defendant's competency to proceed is raised, the act:

- Changes the timing of various matters;
- Clarifies where restoration services are to be provided;
- Expands the requirements for a competency evaluation report; and
- Clarifies when defendants are to be released following an evaluation or restoration services.

The act requires the department of human services to:

- Develop an electronic system to track the status of defendants for whom competency to proceed has been raised;
- Convene a group of experts to create a placement guideline for use in determining where restoration services should be provided; and
- Partner with an institution of higher education to develop and provide training in competency evaluations.

On and after January 1, 2020, except for certain certified or certification-eligible evaluators, competency evaluators are required to have attended training. District attorneys, public defenders, and alternate defense counsel are also to receive training on competency to proceed.

The act also provides that a competency evaluator is not liable for damages in any civil action for failure to warn or protect a specific person or persons against the violent behavior of a defendant being evaluated.

The act appropriates \$10,983,000 from the general fund to pay for fines, liquidated damages, costs, attorney fees, and special master compensation due to a consent decree agreed to by the state. It also appropriates additional money from the general fund and from reappropriated funds to the department of human services and the judicial department to implement the act.

APPROVED by Governor May 20, 2019

EFFECTIVE July 1, 2019

H.B. 19-1030 Sex crimes - unlawful electronic sexual communication - minors. The act creates the crime of unlawful electronic sexual communication. The act prohibits a person from knowingly importuning, inviting, or enticing through communication via a computer network or system, telephone network, or data network or by a text message or instant message a person whom the actor knows or believes to be 15 years of age or older but less than 18 years of age and at least 4 years younger than the actor, and the actor committing the offense is one in a position of trust with respect to that person, to:

- Expose or touch the person's own or another person's intimate parts while communicating with the actor via a computer network or system, telephone network, or data network or by a text message or instant message; or
- Observe the actor's intimate parts via a computer network or system, telephone network, or data network or by a text message or instant message.

A violation of this provision is a class 6 felony.

The act prohibits a person from knowingly communicating over a computer or computer network, telephone network, or data network or by a text message or instant message to a person the actor knows or believes to be 15 years of age or older but less than 18 years of age and at least 4 years younger than the actor and, in that communication or in any subsequent communication, describes explicit sexual conduct and, in connection with that description, makes a statement persuading or inviting the person to meet the actor for any purpose, and the actor committing the offense is one in a position of trust with respect to that person. A violation of this provision is a class 6 felony, but it is a class 5 felony if committed with the intent to meet for the purpose of engaging in sexual exploitation or sexual contact.

The act require a person who commits unlawful electronic sexual communication to undergo sex offender treatment and register as a sex offender, and the defendant is subject to the sex offense against children procedures.

APPROVED by Governor May 6, 2019

EFFECTIVE July 1, 2019

H.B. 19-1051 Human trafficking prevention training - division of criminal justice - gifts, grants, and donations for training - school safety resource center materials and training. The act makes the division of criminal justice in the department of public safety (division) a resource to provide human trafficking prevention training (training) to law enforcement agencies and entities that provide services to human trafficking victims. The training may

include:

- Train-the-trainer programs;
- Direct trainings; and
- Online training programs.

The training may be provided to law enforcement agencies, organizations that provide direct services to human trafficking victims, school personnel and parents or guardians of students, and any other organization, agency, or group that would benefit from such training. The training must be developed in consultation with the Colorado human trafficking council (council). When considering requests for training, the division should give priority to requests from areas of the state that have limited access to training resources. The division may accept gifts, grants, and donations and shall not provide training until it receives sufficient money to cover the costs of implementing and providing the training.

Beginning in 2020, the council's annual human trafficking report must include an update on the training provided. The act repeals the training provisions on September 1, 2023, and requires a sunset review prior to the repeal.

The act requires the Colorado school safety resource center to include awareness and prevention of human trafficking in the materials and training that it provides.

APPROVED by Governor May 31, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1064 Victim notification - eliminate opt-in. With certain exceptions, the act eliminates requirements that victims must opt in to effect their rights in criminal proceedings involving their alleged offender or offender.

This act appropriates \$784,542 to the department for implementation of the act.

APPROVED by Governor May 28, 2019

EFFECTIVE May 28, 2019

H.B. 19-1092 Animal cruelty - mental health treatment - order preventing pet ownership. The act allows a court to impose a mental health treatment program or appropriate treatment program as a sentence for animal cruelty. The act requires a court to enter an order prohibiting a person convicted of felony animal cruelty from owning a pet animal for a period of 3 to 5 years and a juvenile adjudicated a delinquent for an animal cruelty crime from owning a pet animal, unless the defendant or juvenile's treatment provider makes a specific recommendation not to impose the ban and the court agrees with the recommendation.

APPROVED by Governor May 1, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1148 Criminal sentencing - misdemeanors and municipal violations - change maximum penalty from one year to 364 days. Under current law, the maximum sentence for a class 2 misdemeanor, level 2 drug misdemeanor, a misdemeanor without a fixed statutory penalty, and a municipal ordinance violation is one year. The act changes the maximum sentence to 364 days.

APPROVED by Governor March 28, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1155 Sex offenses - sexual contact definitions. The act adds the following conduct to the definition of sexual contact for the purposes of defining sex crimes:

- The knowing emission or ejaculation of seminal fluid onto any body part of the victim or the clothing covering any body part of the victim; and
- Knowingly causing semen, blood, urine, feces, or a bodily substance to contact any body part of the victim or the clothing covering any body part of the victim if that contact is for the purpose of sexual arousal, gratification, or abuse.

APPROVED by Governor April 4, 2019

EFFECTIVE July 1, 2019

H.B. 19-1180 Animal cruelty - cruelty to police working horses. Current law prohibits cruelty to certain animals, including a certified police working horse. However, there is no certification process for police working horses. The act clarifies this by removing the term "certified" from the definition of police working horse and revises the definition accordingly.

APPROVED by Governor April 4, 2019

EFFECTIVE April 4, 2019

H.B. 19-1225 Defendant pretrial release - no monetary bond for low level offenses. Under current law, the court is required to release a person charged with a class 3 misdemeanor, petty offense, or unclassified offense on a personal recognizance bond unless certain conditions exist. The act removes petty offenses from that requirement. The act prohibits a court from imposing a monetary condition of release for a defendant charged with a traffic offense, petty offense, or comparable municipal offense, except for a traffic offense involving death or bodily injury, eluding a police officer, circumventing an interlock device, or a municipal offense with substantially similar elements to a state misdemeanor offense. The act does not prohibit a defendant's release based on a pretrial policy that includes monetary conditions if the defendant is informed that he or she would be released without monetary conditions if he or she waits for a bond hearing. The act does not prohibit issuance of a warrant with monetary conditions of bond for a defendant who fails to appear in court as required or who violates a condition of release.

APPROVED by Governor April 25, 2019

EFFECTIVE April 25, 2019

H.B. 19-1244 Peace officers - peace officers mental health support grant program - eligible applicants - use of grant money - reports required. Under current law, only county sheriffs'

offices and municipal police departments may apply for a grant from the peace officers mental health support grant program (program). The act opens the program to additional "eligible applicants", which include other types of law enforcement agencies, a statewide association of police officers and former police officers, and organizations that provide services and programs that promote the mental health wellness of peace officers. The act also specifies new permissible uses of grant money and requires grant recipients to report to the department of local affairs concerning their use of grant money.

APPROVED by Governor May 20, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1250 Unlawful sexual conduct by a peace officer - new offense - sex offender registration required - appropriation - applicability. The act creates the offense of unlawful sexual conduct by a peace officer. A peace officer commits the offense when he or she knowingly engages in sexual contact, sexual intrusion, or sexual penetration under any of the following circumstances:

- When the peace officer encounters the victim for the purpose of law enforcement or in the performance of the officer's duties;
- When the peace officer knows that the victim is, or causes the victim to believe that he or she is, the subject of an active investigation, and the peace officer uses that knowledge to further the sexual contact, intrusion, or penetration; or
- In furtherance of sexual contact, intrusion, or penetration, the peace officer makes any show of real or apparent authority.

Unlawful sexual conduct by a peace officer is a class 4 felony when the offense is committed by sexual contact and is a class 3 felony when the offense is committed by sexual intrusion or sexual penetration. An offender convicted of unlawful sexual conduct by a peace officer is required to register as a sex offender. An offender convicted of class 3 felony unlawful sexual conduct by a peace officer is subject to lifetime supervision.

To comply with the statutorily required 5-year prison appropriation, the act appropriates:

- For the 2019-20 state fiscal year, \$178,471 from the capital construction fund to the corrections expansion reserve fund;
- For the 2020-21 state fiscal year, \$39,701 to the department of corrections from the general fund;
- For the 2021-22 state fiscal year, \$43,916 to the department of corrections from the general fund;
- For the 2022-23 state fiscal year, \$43,311 to the department of corrections from the general fund;
- For the 2023-24 state fiscal year, \$41,491 to the department of corrections from the general fund.

APPROVED by Governor May 28, 2019

EFFECTIVE July 1, 2019

H.B. 19-1263 Controlled substances - possession offenses - sentencing - substance use and mental health treatment - appropriation. The act makes possession of 4 grams or less of a controlled substance listed in schedule I or II a level 1 drug misdemeanor; except that possession of any amount of gamma hydroxybutyrate or a fourth or subsequent offense for possession of 4 grams or less of a schedule I or II controlled substance or any amount of a schedule III, IV, or V controlled substance is a level 4 drug felony.

The act makes possession of more than 6 ounces of marijuana or more than 3 ounces of marijuana concentrate a level 1 drug misdemeanor and possession of 3 ounces or less of marijuana concentrate a level 2 drug misdemeanor. The act clarifies that a person may not be arrested for the petty offense of possession of not more than 2 ounces of marijuana. A court may issue a warrant for arrest of a person who fails to appear in court as required by a summons for that possession offense.

A court is permitted to suspend a sentence to complete useful public service pursuant to the "Uniform Controlled Substances Act of 2013" when the sentence interferes with treatment or other probation requirements imposed by the court. A court is not required to sentence a person to complete useful public service if the person receives diversion or a deferred sentence. Only those convicted of a felony drug offense must submit to the fingerprinting and photographing requirements of the "Uniform Controlled Substances Act of 2013".

Persons convicted of the level 1 drug misdemeanors related to unlawful possession of a controlled substance and possession of marijuana or marijuana concentrate may be punished by a sentence of up to 180 days in the county jail or 2 years probation, with up to 180 days in jail as a condition of, or for a violation of, probation. For a third or subsequent offense, a person may be sentenced to up to 364 days in jail. In addition to any other sentence, the person convicted is subject to a maximum \$1,000 fine.

Persons convicted of the level 2 drug misdemeanors related to unlawful use of a controlled substance, possession of marijuana or marijuana concentrate, unlawful use or possession of certain synthetic controlled substances, or abusing toxic vapors may be punished by a sentence of up to 120 days in the county jail or one year probation, with up to 120 days in jail as a condition of, or for a violation of, probation. For a third or subsequent offense, a person may be sentenced to up to 180 days in jail. In addition to any other sentence, the person convicted is subject to a maximum \$500 fine.

The community substance use and mental health services grant program is established in the department of local affairs to provide grants to counties that provide substance use or mental health treatment services to, facilitate diversion programs for, or develop other strategies to reduce jail and prison bed use by, persons who come into contact with the criminal justice system. A county is eligible to receive a grant if it provides such treatment services and programs in collaboration with public health agencies, law enforcement agencies, and community-based organizations.

For the 2019-20 state fiscal year, \$123,139 is appropriated from the general fund to the judicial department for probation programs to implement the act.

APPROVED by Governor May 28, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the

effective date, see page vi of this digest.

H.B. 19-1267 Theft - wages - failure to pay wages - paying less than the minimum wage. The act defines wage theft as theft, which is a felony when the theft is of an amount greater than \$2,000. The act adds refusing to pay wages or compensation with the intent to coerce a person who is owed wages as conduct that constitutes wage theft. The act removes the exemption from criminal penalties for an employer who is unable to pay wages or compensation because of a chapter 7 bankruptcy action or other court action resulting in the employer having limited control over his or her assets.

The act defines "employee" as any person who performs labor or services for the benefit of an employer and provides factors that are relevant for determining whether a person is an employee. The act defines "employer" as having the same meaning as set forth in the federal "Fair Labor Standards Act" and specifically includes foreign labor contractors and migratory field labor contractors or crew leaders in the definition.

The act defines intentionally paying a wage less than the minimum wage as theft, which is a felony when the theft is of an amount greater than \$2,000.

APPROVED by Governor May 16, 2019

EFFECTIVE January 1, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1310 Restitution - interest - accrual - lower to 8% - appropriation. The act provides that interest on an order of restitution does not accrue while the defendant is:

- Serving a sentence in a correctional facility within the state operated by or under contract with the department of corrections; or
- In a juvenile case and under 21 years of age.

The act also lowers the interest rate on certain restitution amounts from 12% to 8% as of January 1, 2020.

For the 2019-20 state fiscal year, the act appropriates \$220,480 from the judicial collection enhancement cash fund to the judicial department to implement the act.

APPROVED by Governor May 28, 2019

EFFECTIVE July 1, 2019

H.B. 19-1315 Juvenile advisement of rights - accompanying adult's adverse interest - admissibility. Under current law, statements by a juvenile concerning delinquent acts committed by the juvenile are admissible against the juvenile so long as the juvenile is accompanied by one or more specified adults during the advisement of constitutional rights and during the interrogation. A court decision found this to be legally sufficient even if the adult was shown to have an interest adverse to the juvenile. Under the act, if an issue concerning the adult's adverse interest is raised, the prosecution must prove by a preponderance of the evidence that the person conducting the interrogation reasonably believed that the adult did not have an interest adverse to the juvenile and helped safeguard

the juvenile's constitutional rights to remain silent or obtain counsel during the interrogation.

APPROVED by Governor May 28, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1334 Prohibiting posting image of a minor committing suicide - class 3 misdemeanor - exceptions. The act prohibits a person from intentionally posting or distributing, through the use of social media or any website, or disseminating through other means, an image of a minor attempting suicide, dying by suicide, or having died by suicide, with the intent to harass, intimidate, or coerce any person, and the posting or distribution results in serious emotional distress to any person. It is a class 3 misdemeanor for the first person who posts, distributes, or disseminates the image, for all others it is a civil infraction with a \$100 penalty. It is not an offense if the posting or distribution of the image is a fictional work or a documentary; related to a matter of public interest or public concern; related to the reporting of unlawful conduct; or is the lawful and common practices of law enforcement, criminal reporting, legal proceedings, or medical treatment. The act is known as "Lil' Von Mercado's Law".

APPROVED by Governor May 31, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

EDUCATION - PUBLIC SCHOOLS

S.B. 19-10 Behavioral health care professional matching grant program - use of grant money - behavioral health care services - contracts with community providers - appropriation. The act allows money from the behavioral health care professional matching grant program to be used for behavioral health care services at recipient schools and specifies that grants may also fund behavioral health services contracts with community providers. Grant applicants must specify the extent to which the school has seen an increase in activities or experiences that affect students' mental well-being. The act requires the department of education to prioritize grant applications based on the school's need for additional health professionals and the extent to which the school will prioritize the use of grant money for staff training related to behavioral health supports.

For the 2019-20 state fiscal year, the act appropriates \$3,000,000 from the marijuana tax cash fund to the department of education for the behavioral health care professional matching grant program.

APPROVED by Governor May 10, 2019

EFFECTIVE May 10, 2019

S.B. 19-25 Safe haven program - information - comprehensive health education in schools. If a school district, charter school, institute charter school, or board of cooperative services (school) chooses to provide a local comprehensive health education program pursuant to article 25 of title 22, Colorado Revised Statutes, the school's curriculum must include information relating to state laws that provide for the safe abandonment of newborn children to specific persons, including firefighters and clinic or hospital staff, within 72 hours of birth.

APPROVED March 7, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-39 Interdistrict transportation of students. The act restores the statutory language in section 22-32-113 to the language as it existed before the statute was amended by section 7 of House Bill 18-1306, concerning ensuring educational stability for students in out-of-home placement. Section 7 has been declared void by a Colorado court for violating section 21 of article V of the Colorado constitution that requires bills to contain a single subject clearly expressed in the bill's title.

The act allows a school district to furnish transportation, or to reimburse parents or others for the cost of transportation, to and from its schools to students who are residents of another school district if the resident school district is adjacent to the school district of attendance and the resident school district consents to the transportation of its students to the adjacent school district.

APPROVED by Governor March 7, 2019

EFFECTIVE March 7, 2019

S.B. 19-59 Advanced courses - automatic enrollment grant program - appropriation. The John W. Buckner automatic enrollment in advanced courses grant program (grant program) is

established in the department of education (department) to provide funding for local education providers that automatically enroll certain students in advanced courses. The department must annually notify local education providers of the grant program.

In order to be eligible for the grant program, a local education provider must automatically enroll students who are in ninth grade or higher in an advanced course in a subject related to one in which the student demonstrated proficiency on the prior year's statewide assessment, or in an advanced course based on any other measure, applied to all enrolled students, that demonstrates the student's ability to succeed in the advanced course. Local education providers are encouraged to automatically enroll eligible fourth- through eighth-grade students in advanced courses as well. Local education providers must permit parents to remove their children from automatically enrolled classes and may permit parents to exempt their children from any automatic enrollment.

APPROVED by Governor May 10, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-66 High-cost special education trust fund - trust fund grants. The act creates the high-cost special education trust fund (trust fund) to be used for high-cost special education trust fund grants (trust fund grants) to public school special education administrative units that have made significant expenditures in providing special education services to a child with a disability. The trust fund consists of \$2.5 million transferred from the marijuana tax cash fund to the trust fund on July 1, 2019. The general assembly is encouraged to prioritize the transfer or appropriation of money to the trust fund in future fiscal years.

The department of education may expend interest and income from the trust fund for trust fund grants awarded by the Colorado special education fiscal advisory committee (committee). The act specifies the eligibility criteria for a trust fund grant and criteria that the committee shall consider in determining the trust fund grant recipients and the amount of the trust fund grants.

The act requires an annual report to the education committees of the general assembly concerning trust fund grants awarded during the fiscal year, and repeals the trust fund on July 1, 2027.

APPROVED by Governor May 30, 2019

EFFECTIVE May 30, 2019

S.B. 19-69 Educator licensing - nonpublic school educator licensing programs. Under the act, nonpublic schools are permitted to operate induction programs for teachers, special services providers, principals, and administrators and alternative licensure programs for teachers and principals who do not hold professional licenses.

APPROVED by Governor March 18, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-94 Legislative interim committee on school finance - 2019 legislative interim - expenses. The act extends the work of the legislative interim committee on school finance (interim committee) for one year to include the 2019 legislative interim.

For the 2019 legislative interim, the act maintains the party and chamber balance of legislative members on the interim committee, with 5 members from each chamber and 5 democrats and 5 republicans on the interim committee, and specifies the method for appointing interim committee members. The act permits the interim committee to determine whether and in which interim to study the issues set forth in statute.

The act authorizes the interim committee to contract with a vendor or vendors to assist with or facilitate the work of the interim committee.

The act authorizes the interim committee to use unexpended money from the 2018-19 budget year during the 2019-20 budget year to cover costs incurred by the interim committee, including the hiring of a consultant or facilitator, if applicable.

APPROVED by Governor May 13, 2019

EFFECTIVE May 13, 2019

S.B. 19-102 Innovation schools - community schools. "Community school" is defined as a public school that implements an annual asset and needs assessment that engages families, students, and educators in the community; a strategic plan that includes the creation of problem solving teams; a process to engage partners who bring assets and expertise to implement the school's goals; and a community school coordinator who is a staff member at the community school site. A public school is permitted to include in its innovation plan that it will operate as a community school.

APPROVED by Governor April 8, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-104 Elimination of duplicate regulations commission - health and safety requirements. The act creates the elimination of duplicate regulations commission (commission) within the department of education and establishes membership criteria.

The act requires the commission to analyze and identify duplicate regulations promulgated among the agencies relating to health and safety requirements for school-aged child care programs (programs); identify which regulations may be eliminated, revised, or delegated to the appropriate agency to eliminate duplicate regulations; and ensure the efficient regulation of health and safety requirements for programs. The agencies are required to commence respective rule-making consistent with the outcomes of the commission.

APPROVED by Governor May 31, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-128 School finance - mid-year adjustment to state share of total program funding - appropriation. The general assembly recognizes that the actual funded pupil count and the actual at-risk pupil count for the 2018-19 budget year are lower than anticipated when the appropriation amount was established during the 2018 legislative session. In addition, local property tax and specific ownership tax receipts are more than anticipated, increasing the local share of total program funding.

The act declares the general assembly's intent to reduce state share of total program funding to maintain the dollar amount of the budget stabilization factor established during the 2018 legislative session. The act adjusts the amount of total program funding specified in statute to reflect this intent.

The act makes an appropriation to the department of education to correct errors in the calculation and distribution of at-risk funding to the state charter school institute in 2 previous budget years.

APPROVED by Governor March 28, 2019

EFFECTIVE March 28, 2019

S.B. 19-129 Multi-district online schools - enrollment data - accountability. The act directs the online division in the department of education (department) to prepare an annual report concerning students who withdraw from enrollment in an online school after the annual count date. The report must include the date on which the student withdrew from enrollment, the grade level at which the student was enrolled at the beginning of the school year and when the student withdrew, and, to the extent known, whether during the same school year the student enrolled in another school or graduated or completed high school. The department must submit the report to the state board of education and the education committees of the general assembly.

Before passage of the act, the statute required a school district, a group of school districts, a board of cooperative services, or the state charter school institute that seeks to authorize a multi-district online school to first obtain certification for the multi-district online school from the department. Under the act, if an existing multi-district online school changes authorizers, the new authorizer must obtain a new certification of the multi-district online school.

An online school is subject to the same accountability requirements as apply to other public schools. The act states that if an online school is on performance watch and changes authorizers, either in its original form or as a successor school, or if the online school is created as a successor school with the same authorizer, the online school remains on performance watch. If an online school is closed because of actions taken as a result of accountability, the online school must apply for a new certification before it can operate again either as the original online school or as a successor school, regardless of whether the online school changes authorizers.

APPROVED by Governor April 10, 2019

EFFECTIVE April 10, 2019

S.B. 19-137 Colorado student leaders institute - extension - appropriation. The act extends the Colorado student leaders institute to June 30, 2024.

For the 2019-20 state fiscal year, \$218,825 is appropriated from the general fund to the department of higher education for the implementation of the act.

APPROVED by Governor May 10, 2019

EFFECTIVE May 10, 2019

S.B. 19-161 Advisory council for parent involvement in education - continuation - appropriation. The act continues the state advisory council for parent involvement in education ("council") for five years. The act changes the number of persons appointed to the council from 5 parents to one parent from each congressional district. The council is scheduled for a sunset review prior to repeal in September 2024.

The act appropriates \$2,000 to the department of education from the general fund for accountability and improvement planning.

APPROVED by Governor May 20, 2019

EFFECTIVE May 20, 2019

S.B. 19-176 Concurrent enrollment - transfer of credits - website - concurrent enrollment expansion and innovation grant program - appropriations. The act clarifies the differences between concurrent enrollment, dual enrollment, and other programs that enable a student to earn postsecondary credits while the student is enrolled in high school. Beginning in the 2020-21 school year, each school district, charter school, and public school operated by a board of cooperative services (local education provider) that enrolls students in grades 9 through 12 is required to provide the opportunity for concurrent enrollment. A local education provider cannot unreasonably deny approval for concurrent enrollment or limit the number of postsecondary courses in which a qualified student may enroll unless the local education provider is unable to provide access due to technological capacity. A local education provider may determine the manner in which it provides opportunities for concurrent enrollment.

The act clarifies the information that a local education provider must provide to qualified students and their parents concerning concurrent enrollment, the transferability of postsecondary course credits, and the costs that a qualified student or the student's parent may incur by enrolling in a postsecondary course through concurrent enrollment. The act clarifies that a qualified student and the student's parent are not required to pay tuition for concurrent enrollment.

The act requires the department of education and the department of higher education to create a concurrent enrollment website to provide information to the public concerning the various types of programs available to enable students to earn postsecondary credits while enrolled in high school.

The act creates the concurrent enrollment expansion and innovation grant program (grant program) to provide grants to local education providers to use in starting to offer concurrent enrollment or expanding the availability of concurrent enrollment. The department of education shall administer the grant program, including providing an annual report that explains how the grant money is used, who is enrolling in concurrent enrollment and the types of courses they are enrolling in, and the number and transferability of postsecondary credits earned through concurrent enrollment. The department shall submit the report to the state board of education, the department of higher education, the Colorado

commission on higher education, and the education committees of the general assembly. The department shall also post the report to the concurrent enrollment website.

The act directs the state board for community colleges and occupational education to provide management and coordination of efforts to implement efforts to maximize participation in concurrent enrollment through the community college system.

For the 2019-20 fiscal year, the act appropriates \$44,916 from the general fund to the department of education for college and career readiness, \$1,500,000 from the marijuana tax cash fund to the department of education for the concurrent enrollment expansion and innovation grant program, and \$105,000 from the general fund to the department of higher education for a limited purpose fee-for-service contract with the state board of community colleges and occupational education.

APPROVED by Governor May 20, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-179 Enhance school safety incident response grant program - deadlines - appropriation. The enhance school safety incident response grant program (program) was created in 2018. The act changes dates in the program regarding the application and grant distribution deadlines.

The act appropriates \$1,150,000 to the department of public safety from the school safety resource center cash fund for the grant program.

APPROVED by Governor June 3, 2019

EFFECTIVE June 3, 2019

S.B. 19-183 School districts - organization. The act creates an alternate process for the dissolution and annexation of a school district. Pursuant to the act, if a school district meets specified criteria, the board of education of the school district (local school board) may seek dissolution and annexation of the school district by convening an organization planning committee (committee) that consists of representation from the local school board of the dissolving school district and the local school boards of the contiguous school districts. The local school board of the dissolving school district must notify the commissioner of education (commissioner) when a committee is formed. The committee must create a proposed plan of organization (plan) that dissolves the convening school district and annexes the territory of the dissolved school district to one or more of the contiguous school districts. The act specifies the issues that the committee must consider in creating the plan.

After adopting the proposed plan, the committee must submit the proposed plan to the commissioner and the local school boards of the affected school districts and provide notice of public hearings on the proposed plan. After holding public hearings, the committee must work with the commissioner to develop and adopt a final plan of organization. Within a set time after the final plan is adopted, the local school board of each affected school district must adopt the final plan by written resolution. If a local school board does not adopt the plan and there are only 2 affected school districts, or if the plan is not approved by at least 2 of the affected school districts, the committee is dissolved. If fewer than all but at least 2 of the

affected school districts approve the plan, the committee may continue and prepare a new plan that involves only the school districts of the local school boards that approved the final approved plan.

Following approval of a final plan by the local school boards of all of the affected school districts, the county clerk and recorder for each affected county must file a map and legal description of the annexing school districts with the commissioner. The final plan takes effect on the date specified in the plan, and the final plan must be available for public review upon request. If the dissolved district has a certain level of indebtedness that is not bonded indebtedness, an annexing school district, after the effective date of the annexation and subject to voter approval, may levy a temporary tax of a specified amount on the annexed property to retire the indebtedness.

The act clarifies that, if the dissolving school district has bonded indebtedness existing as of the date of the dissolution and annexation and the annexing school district or school districts do not vote to assume the amount of the bonded indebtedness, the bonded indebtedness continues to be paid by the existing levy against the property of the dissolved school district, collected by the annexing school district or school districts.

APPROVED by Governor April 16, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-189 Education - concurrent enrollment advisory board - continuation under sunset law. The act continues the concurrent enrollment advisory board (advisory board) until September 1, 2024. Prior to its repeal, the advisory board shall be reviewed.

APPROVED by Governor June 3, 2019

EFFECTIVE June 3, 2019

S.B. 19-199 READ act - programming - teacher training - evaluation - distribution of money - appropriations. The act makes several changes concerning implementation of the "Colorado Reading to Ensure Academic Development Act" (READ act) by school districts, charter schools, and boards of cooperative services that operate schools (local education providers) as follows:

- Requiring that instructional programming and services for teaching reading be focused on the areas of phonemic awareness, phonics, vocabulary development, reading fluency including oral skills, and reading comprehension;
- Directing each local education provider to include in its performance plan specified information concerning the reading assessments, curriculum, instructional programs, and intervention instruction and services used and, for certain local education providers, the plan for providing professional development for teachers;
- Specifying that students with significant reading deficiencies and students who read below grade level must receive educational services in a daily literacy block for the length of time indicated by research;

- Requiring each local education provider that receives money through the READ act to provide evidence-based training in teaching reading to kindergarten and first- through third-grade teachers; and
- Encouraging local education providers to partner with adjacent public libraries to enhance instruction in literacy.

The act directs the department of education (department) to develop and implement a public information campaign to emphasize the importance of learning to read by third grade and to highlight the local education providers that achieve high percentages of third-grade students who are reading at grade level. The act directs the department to contract with an independent evaluator to evaluate the implementation of the READ act in the state and evaluate whether a local education provider's use of per-pupil intervention money or early literacy grant program money results in students making progress toward reading competency.

The act changes the distribution of money appropriated from the early literacy fund for the 2019-20 budget year by reducing the amount distributed as per-pupil intervention money, increasing the amount distributed through the early literacy grant fund, and adding distributions to pay for the public information campaign, the independent evaluator, and teacher training. For the 2020-21 budget year and budget years thereafter, the act specifies the purposes for which the money in the early literacy fund may be appropriated in amounts specified in the annual general appropriations bill.

The act changes the procedure for distributing the per-pupil intervention money by:

- Requiring a local education provider to provide information and meet certain requirements in order to receive the money;
- Authorizing the department to monitor and, if necessary, audit the use of the money throughout the budget year;
- Expanding the allowable uses of the per-pupil intervention money to include purchasing core reading instructional programs and purchasing technology, including software, to assist in assessing and monitoring student progress; and
- Capping the amount of per-pupil intervention money that a local education provider may retain from year to year.

The act amends the early literacy grant program to allow a school district to apply for a district-level grant or a school-level grant and to prohibit the state board of education (state board) from restricting an applicant's use of any of the approved reading assessments. The act also provides that if the department, at the completion of a grant, determines that the program implemented with the grant money was successful in moving students toward reading competency, the state board must automatically renew the grant and increase the grant amount, if necessary, to enable the grant recipient to expand the program.

The act requires a local education provider to report the scores attained by students on the interim reading assessments if the local education provider uses per-pupil intervention money to purchase instructional programming in reading.

The act expands reporting requirements to include information regarding student academic growth to standard in reading. Each local education provider must submit, in accordance with privacy laws, information requested to complete the independent evaluation of the implementation of the READ act, and the department, the independent evaluator, and

the local education provider must collaborate to minimize the impact on instructional time caused by increased reporting.

For the 2019-20 fiscal year, the act appropriates money from the marijuana tax cash fund and the early literacy fund to the department as follows: \$7,500,000 for the early literacy competitive grant program; \$2,702,557 for teacher training; \$1,664,570 for early literacy program administration, technical assistance, and monitoring; \$750,000 for the independent evaluation; \$500,000 for the public information campaign; and \$26,261,551 for early literacy program per-pupil intervention money.

APPROVED by Governor May 10, 2019

EFFECTIVE May 10, 2019

S.B. 19-204 Accountability - local accountability system grant program - supplemental performance report - alternative format - evaluation - reporting - appropriation. The act creates the local accountability system grant program (grant program) in the department of education (department) to provide grant money to local education providers that adopt local accountability systems to supplement the state accountability system. A local accountability system may include additional measures for determining achievement of the state performance indicators and additional indicators of student success, but the measures do not affect the accreditation rating assigned to a school district or the type of plan that a school must adopt. A local education provider may use grant money to work with one or more accountability system partners, which may be public or private institutions of higher education or private nonprofit entities. The department shall review applications and recommend to the state board of education (state board) the applicants that may receive a grant and the amount of the grant. The state board shall award the grants subject to available appropriations. The department may also accept and expend gifts, grants, and donations for the grant program and the summary evaluation report.

A local education provider that adopts a local accountability system may submit to the department a supplemental performance report that includes information collected through the local accountability system. The local education provider may also use an alternative format for the type of performance plan that the local education provider is required to implement. The department must post the supplemental performance reports and alternatively formatted plans on the department's data portal.

Starting no later than July 15, 2020, the department must convene an annual meeting of the local education providers that implement local accountability systems to share information. Beginning January 15, 2021, the department shall submit an annual report to the state board and the education committees of the general assembly concerning implementation of local accountability systems and implementation of the grant program. The department shall also post the report on its website and, upon request of a local education provider, provide information concerning the measures implemented through local accountability systems.

Starting in the third year of the grant program, the department must contract with an external evaluator to prepare an annual summary evaluation report of the implementation of the local accountability systems that receive grants. The department must include the summary evaluation in the annual report.

For the 2019-20 fiscal year, the act appropriates \$493,097 from the general fund to

the department of education to implement the local accountability system grant program.

APPROVED by Governor June 3, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-215 Parents encouraging parents conference - appropriation. The act creates parents encouraging parents conferences for parents of children with disabilities. The department of education shall provide for the conferences and related lodging and food for attendees. The act requires a specified conference curriculum.

For the 2019-20 state fiscal year, the act appropriates \$68,000 from the general fund to the department of education.

APPROVED by Governor May 29, 2019

EFFECTIVE May 29, 2019

S.B. 19-216 High school innovative learning pilot program - appropriation. The act creates the high school innovative learning pilot program (pilot program) to support school districts, boards of cooperative services, and charter schools (local education providers) in providing innovative learning opportunities to students enrolled in grades 9 through 12 (high school students). Each local education provider that is selected to participate in the pilot program is allowed, for purposes of school finance, to count high school students who participate in innovative learning opportunities as full-time pupils regardless of whether they meet the required number of teacher-pupil instruction and contact hours for full-time enrollment.

A local education provider may apply to participate in the pilot program by submitting an application that, among other things, describes the local education provider's innovative learning plan (plan). The act specifies other requirements for the application and requirements for the plan. The department of education (department) implements the pilot program by reviewing the applications and recommending to the state board of education (state board) the applicants that should participate in the pilot program, and the state board selects the participants. The recommendations and selections must be based on criteria specified in the act. The act limits the number of pilot program participants in the first year but states it is the intent of the general assembly to increase participation to 100% by the 2025-26 budget year.

The act directs the department to contract with a statewide nonprofit entity to assist the department and local education providers in applying to participate, participating, and evaluating the pilot program and in preparing a report concerning implementation of the pilot program. The act specifies information that each participating local education provider must submit to the department concerning its participation in the pilot program and requires the department to prepare an annual report summarizing the information and evaluating the success of the pilot program in increasing high school student participation in innovative learning opportunities. The pilot program is repealed, effective July 1, 2025.

For the 2019-20 fiscal year, the act appropriates \$129,563 from the general fund to

the department of education to implement the pilot program.

APPROVED by Governor May 10, 2019

EFFECTIVE May 10, 2019

S.B. 19-246 Financing for K-12 public schools - transfer to the state education fund - rural school funding - tier B special education funding - ninth grade success grant program - health and wellness through comprehensive physical education grant program - appropriation. The act increases the statewide base per pupil funding for the 2019-20 budget year by \$182.76 to account for inflation, for a new statewide base per pupil funding of \$6,951.53. The act also sets the minimum district total program funding for the 2019-20 budget year. The district total program funding reflects a \$100 million reduction in the dollar amount of the budget stabilization factor over the prior budget year.

In addition, the act:

- Amends the professional development and student support program (program) for English language learners and educators who work with English language learners to distribute money appropriated for the program's services and educator professional development activities proportionately, based on the level of English language proficiency of the students served by the program;
- For the 2019-20 budget year, distributes \$20 million on a per pupil basis to large rural school districts and small rural school districts, including district charter schools and each institute charter school whose accounting district is a large or small rural school district. Large rural school districts share 55% of the appropriation, and small rural school districts share 45% of the appropriation. The act bases the distribution on a school district's funded pupil count for the 2018-19 budget year. The act specifies the intended uses of the money and requires each rural district that receives money to report to the department of education concerning the use of the money.
- Increases the amount of tier B special education funding by \$22 million and allows the amount to be appropriated from the state education fund or the general fund;
- Transfers \$40,326,896 from the general fund to the state education fund;
- Creates the ninth grade success grant program in the department of education to provide funding to local education providers and charter schools to implement a ninth grade success grant program. Grant recipients must use the money to implement a ninth grade success program that includes elements set forth in the act, including creating a cross-disciplinary success team of teachers and support staff, which includes mental health professionals or social workers.
- Creates the health and wellness through comprehensive quality physical education instruction pilot program in the department of education that awards 3-year pilot program grants to schools or school districts to implement comprehensive quality physical education instruction. The act specifies the necessary components of a the comprehensive quality physical education instruction. The department of education shall contract with a qualified evaluator to conduct a program evaluation of the pilot program.

For the 2019-20 state fiscal year, the act appropriates:

- \$22 million from the general fund to the department of education for tier B

- special education programs;
- In addition to funding appropriated through the annual general appropriation act, \$7,633,721 and \$2,509,623 is appropriated from the general fund to the department of education for the state share of district total program funding;
- \$20 million from the general fund to the department of education for rural school funding;
- \$800,000 from the general fund to the department of education for the ninth grade success grant program;
- \$125,495 from the state education fund to the department of education to fund hold-harmless kindergarten; and
- \$1,100,000 from the marijuana tax cash fund to the department of education for the health and wellness through comprehensive quality physical education instruction pilot program.

APPROVED by Governor May 10, 2019

EFFECTIVE May 10, 2019

H.B. 19-1002 School leadership pilot program - appropriation. The act creates the school leadership pilot program (program) to provide professional development for public elementary, middle, and high school principals. During the 2019-20 budget year, the department of education (department) is directed to design and implement the program or contract with a nonprofit entity or institution of higher education (contracted entity) to design and implement the program. The program must include identification of high-quality school principals who will interact with the school principals selected to receive professional development through the program. The program must also include professional development in distributive and collaborative leadership skills with the goal of improving educator retention, school climate and culture, and student outcomes.

School principals may apply to receive professional development through the program during the 2020-21 and 2021-22 budget years. The department or the contracted entity must review the applications and select the participants. Subject to available appropriations, the department must provide grants to the employers of the school principals who participate in the program either as high-quality school principals or to receive professional development.

By March 15, 2020, the department must report to the education committees of the general assembly concerning the design of the program. By January 15, 2022, the department must report to the education committees concerning implementation of the program, including recommendations for whether the program should be continued. The program is repealed, effective July 1, 2022.

For the 2019-20 fiscal year, the act appropriates \$272,929 from the general fund to the department to implement the program.

APPROVED by Governor May 31, 2019

EFFECTIVE May 31, 2019

H.B. 19-1008 School district capital construction assistance program - grants to support career and technical education. The act amends the "Building Excellent Schools Today Act" to allow the public school capital construction assistance board (board) to provide grants to support career and technical education capital construction, which is defined as:

- New construction or retrofitting of public school facilities for certain career and technical education programs; and
- Equipment necessary for individual student learning and classroom instruction, including equipment that provides access to instructional materials or that is necessary for professional use by a classroom teacher.

The act requires the board to report annually to the capital development committee and to the education and finance committees of the house of representatives and the senate, or to any successor committees, concerning the issuance and denial of career and technical education capital construction grants during the preceding year.

APPROVED by Governor March 7, 2019

EFFECTIVE March 7, 2019

H.B. 19-1017 Colorado K-5 social and emotional health act - pilot program - appropriation.

The act creates the "Colorado K-5 Social and Emotional Health Act" (health act). Subject to available appropriations, the health act requires the department of education (department) to select up to 10 pilot schools (pilot school) to participate in a pilot program that ensures that a school mental health professional, as defined in the health act, is dedicated to each of grades kindergarten through fifth grade, with a ratio of mental health professionals to students of approximately one per 250 students. To the extent possible, the school mental health professional shall follow the same students through each grade. The general assembly shall appropriate the resources necessary for the pilot school to hire or contract with the additional school mental health professionals. The department shall select pilot schools that meet the characteristics outlined in the health act, including high poverty, ethnic diversity, and a large concentration of students in the foster care system.

Among other responsibilities consistent with the mental health professional's license, the school mental health professional shall provide needed services to students and their families in the pilot school, including providing services and supports to students with learning disabilities, identifying food insecurities, providing resources to develop and improve the social and emotional health of students, and helping eligible students and their families access public benefits. Services must be provided at school and during school hours, as appropriate.

The health act requires the department to employ or contract with a pilot program coordinator to oversee the implementation of the pilot program across the pilot schools.

The pilot program begins operation during the 2020-21 school year and repeals in July 2023. The department shall contract with a professional program evaluator (evaluator) to conduct a preliminary evaluation in 2022 and a final evaluation before the repeal of the pilot program. The evaluator shall establish the method for the collection and monitoring of the pilot schools' data throughout the pilot program. The evaluator shall evaluate the effectiveness of services provided by the pilot program on the academic, mental, and physical health and well-being of the student cohorts within the scope of the pilot program.

The health act authorizes the use of marijuana tax cash fund money and gifts, grants, or donations to fund the pilot program.

For the 2019-20 state fiscal year, the act appropriates \$43,114 and 0.4 FTE from the

marijuana tax cash fund to the department of education to implement the health act.

APPROVED by Governor May 10, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1032 Comprehensive human sexuality education - content requirements - grant program - appropriation. The act adds certain content requirements for public schools that offer comprehensive human sexuality education, including instruction on consent as it relates to safe and healthy relationships and safe haven laws.

The act prohibits instruction from emphasizing sexual abstinence as the primary or sole acceptable preventive method available to students and prohibits instruction from explicitly or implicitly using shame-based or stigmatizing language or instructional tools; employing gender stereotypes; or excluding the health needs of lesbian, gay, bisexual, or transgender individuals.

If a public school teaches comprehensive human sexuality education, the public school is not required to include instruction on pregnancy outcome options. However, if a public school opts to provide instruction on pregnancy outcome options, it must cover all pregnancy outcome options available.

Current law provides for a comprehensive human sexuality education grant program. The act amends certain provisions of the grant program to:

- Require the department of public health and environment to submit an annual report concerning the outcomes of the grant program indefinitely;
- Add 9 representatives to the oversight entity and require membership of the oversight entity to represent diverse community perspective and make an effort to include committee members who are diverse;
- Require grant applicants to demonstrate a need for money to implement comprehensive human sexuality education; and
- Require that rural public schools or public schools that do not currently offer comprehensive human sexuality education receive priority when selecting grant applicants.

The act prohibits the state board of education from waiving the content requirements for any public school that provides comprehensive human sexuality education. However, the act does not prohibit charter schools or institute charter schools from applying for a waiver.

For the 2019-20 state fiscal year, the act appropriates \$1,000,000 from the general fund to the department of public health and environment to implement the act.

APPROVED by Governor May 31, 2019

EFFECTIVE May 31, 2019

H.B. 19-1036 Nationally certified school professionals - annual stipends. The act adds nationally certified school psychologists as school professionals eligible for annual stipends awarded by the department of education (department) if the school psychologist meets the

requirements set forth in the act.

The act clarifies that school counselors, who hold a certification from the national board for certified counselors or from the national board for professional teaching standards, are school professionals who have been eligible for annual stipends awarded by the department since the initial award was distributed during the 2009-10 school year.

The act corrects the name of the national board for professional teaching standards by removing the word "principal" from the title.

APPROVED by Governor February 28, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1055 Public school capital construction - increase in state financial assistance - adjustment to formula for determining total financial assistance for charter schools - financial assistance for full-day kindergarten facilities - appropriations. Law in effect before May 21, 2019, required the greater of the first \$40 million of state retail marijuana excise tax revenue or 90% of the revenue to be credited to the public school capital construction assistance fund (assistance fund) and limited the maximum total amount of annual lease payments payable by the state under the terms of all outstanding lease-purchase agreements entered into as authorized by the "Building Excellent Schools Today Act" (BEST) to \$100 million. Beginning July 1, 2019, the act:

- Requires all state retail marijuana excise tax revenue to be credited to the assistance fund;
- Increases the maximum total amount of BEST annual lease payments to \$105 million for state fiscal year 2019-20 and to \$110 million for state fiscal year 2020-21 and each state fiscal year thereafter;
- Changes the percentage of the state retail marijuana excise tax revenue credited to the assistance fund that is further credited to the charter school facilities assistance account of the assistance fund for distribution to charter schools from 12.5% to a percentage equal to the percentage of pupil enrollment statewide represented by pupils who were enrolled in charter schools for the prior school year; and
- Changes the total amount of money annually appropriated from the state education fund for charter school capital construction from a flat amount of \$20 million per year to \$20 million per year annually adjusted for changes in the percentage of students included in the statewide funded pupil count who are enrolled in charter schools.

The act also:

- During state fiscal year 2018-19, transfers \$4.25 million from the assistance fund to the charter school facilities assistance account of the assistance fund;
- For state fiscal year 2020-21, requires the general assembly to appropriate \$160 million from the assistance fund for use by the public school capital construction assistance board (BEST board) in providing financial assistance for public school capital construction in the form of BEST matching cash

- grants only;
- On July 1, 2019, transfers \$25 million from the assistance fund to the full-day kindergarten facility capital construction fund (kindergarten facility fund);
- Requires the BEST board to accept applications from applicants that will provide a full-day kindergarten educational program for the 2019-20 school budget year (state fiscal year 2019-20) for formula-based grants for that budget year of the \$25 million transferred to the kindergarten facility fund and authorizes applicants to spend the grants to acquire furniture, fixtures, or other fixed or moveable equipment, excluding construction equipment, that is needed to conduct a full-day kindergarten educational program or a preschool educational program;
- Specifies a grant distribution formula that takes into account an applicant's per pupil funding, size factor, and percentages of enrolled pupils who are eligible for free or reduced price lunch, are English language learners, or are special education students;
- Requires any of the \$25 million that is not actually distributed as grants during the 2019-20 school budget year due to some eligible applicants not applying for grants or applying for grants in amounts that are less than the amount that the distribution formula would otherwise provide to be transferred back to the assistance fund;
- Increases the state fiscal year 2018-19 appropriation from the charter school facilities assistance account of the assistance fund to the department of education for state aid for charter school facilities by \$4.25 million; and
- Makes appropriations for state fiscal year 2019-20 as follows:
 - \$50 million from the assistance fund to the department of education for BEST matching cash grants;
 - \$25 million from the kindergarten facility fund to the department of education for the formula-based grants authorized by the act;
 - \$5 million from the assistance fund to the department of education for the increased BEST annual lease payments authorized by the act; and
 - \$656,559 from the state education fund to the department of education for state aid to charter school facilities.

APPROVED by Governor May 21, 2019

EFFECTIVE May 21, 2019

H.B. 19-1059 Educator licensure - requirements for out-of state applicants. The act removes amendments House Bill 18-1095, concerning educator licenses issued to military spouses, made to the educator licensing statute regarding the number of years a military spouse licensed in another state must teach continuously in order to apply for a professional teacher license or professional special services license in Colorado.

House Bill 18-1130, concerning increasing the availability of qualified personnel who are licensed in another state to teach in public schools, amended statute to apply the same standards to all out-of-state applicants as apply to military spouses. The act removes the redundant and possibly confusing reference to military spouses in the professional teacher license statute and the professional special services license statute.

APPROVED by Governor March 11, 2019

EFFECTIVE March 11, 2019

H.B. 19-1066 Education - performance indicators - graduation rate - counting students enrolled in special education services. Under the act, a student who is enrolled in special education services must be counted in the enrolling public high school's, school district's or institute's, and state's graduation rate in the year in which the student completes high school graduation requirements.

The act does not limit the right to a free appropriate public education for a student as provided by the federal "Individuals with Disabilities Education Act", the "Exceptional Children's Educational Act", or any other federal or state law or rule.

APPROVED by Governor March 7, 2019

EFFECTIVE March 7, 2019

H.B. 19-1100 School district board of education - specific powers - sale and conveyance of district property - use restrictions. A board of education of a school district may include a use restriction on the sale, conveyance, lease, or rental of any district property that restricts the property from being used as a public or nonpublic school for any grade from preschool through the 12th grade only after providing public notice of its intent to include such restriction and after discussing the issue in public at a regularly scheduled meeting of the board of education of the school district.

APPROVED by Governor March 15, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1110 Media literacy advisory committee - recommendations - appropriation. The act creates the media literacy advisory committee (committee) within the department of education (department). The committee is responsible for creating a report for the education committees of the house of representatives and the senate regarding the committee's recommendations for implementing media literacy in elementary and secondary education.

The commissioner of education is required to appoint members to serve on the committee.

The department is required to hire a consultant to perform the research and coordination of the committee required to draft the report for the committee.

The act makes an appropriation.

APPROVED by Governor June 3, 2019

EFFECTIVE June 3, 2019

H.B. 19-1132 Colorado food - school grant program - nonprofit grant program - appropriation. The act establishes a grant program in the department of education (CDE) to encourage providers that are entitled to federal money for lunches for students (participating providers) to purchase food products from Colorado growers, producers, and processors (Colorado food). The grant program reimburses participating providers for the amount of Colorado food that the provider purchased in the previous school year. The act caps the reimbursements at \$500,000 per year.

The act establishes a separate program in CDE to make a grant to a nonprofit organization to make grants to entities that promote the sale of Colorado food to schools and to eligible providers to encourage the purchase of Colorado food. The nonprofit organization is required to conduct an annual evaluation and report to CDE.

For the 2019-20 state fiscal year, the act appropriates \$168,942 from the general fund to CDE for the school purchasing programs.

APPROVED by Governor May 14, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1134 Dyslexia screening and interventions - working group - pilot program - appropriation. The act directs the commissioner of education (commissioner) to convene a working group to analyze state and national data and practices concerning identification and support of students with dyslexia and to recommend dyslexia screening tools and processes, a statewide plan for identifying and supporting students with dyslexia, and educator training in recognizing and providing interventions for students with dyslexia. The working group must submit a report of its recommendations to the commissioner, and the commissioner must submit the report to the state board of education and the education committees of the general assembly.

The act directs the department of education (department) to establish a pilot program to assist school districts, boards of cooperative services, and charter schools (local education providers) in using READ act assessments to screen for dyslexia and in providing interventions for students who are identified as having dyslexia. At the completion of the pilot program, the department must evaluate the effectiveness of the screening and interventions, refine the resources used, and disseminate the resources used to all local education providers in the state. The department must also provide technical assistance in implementing the resources at the request of a local education provider.

For the 2019-20 state fiscal year, the act appropriates \$106,196 from the general fund to the department of education to implement the act.

APPROVED by Governor May 31, 2019

EFFECTIVE May 31, 2019

H.B. 19-1137 Teacher cadet program - early childhood education. The act clarifies that high school students who are interested in early childhood education may participate in the teacher cadet program in high schools.

APPROVED by Governor March 28, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1171 School lunch - free and reduced price school lunch - appropriation. The act clarifies that all students in sixth through eighth grade participating in the federal reduced price school lunch program are eligible for the existing child nutrition school lunch protection program (program), and extends the grades of eligibility for the program to students through the twelfth grade.

For the 2019-20 state fiscal year, \$463,729 is appropriated to the department of education from the general fund for the implementation of the act.

APPROVED by Governor May 10, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1186 School employees - background checks - fingerprinting. Under current law, school employees are required to undergo a fingerprint-based background check. In most statutes, the fingerprints can be taken by a qualified law enforcement agency, an authorized employee of the school or school district, or a third party approved by the Colorado bureau of investigation, but a few statutes do not authorize fingerprints to be taken by an authorized school or school district employee. The act adds that authorization to those statutes. The act requires a law enforcement agency that has fingerprinting equipment that meets federal bureau of investigation image quality standards to take the fingerprints of an applicant if an approved third-party vendor is not operating within 20 miles of a school district, charter school, or nonpublic school in the agency's jurisdiction. The act states that a school or school district employee can use any fingerprinting equipment that meets the federal bureau of investigation image quality standards.

APPROVED by Governor April 10, 2019

EFFECTIVE April 10, 2019

H.B. 19-1187 School counselor corps grant program - applications for federal or state student aid - appropriation. The act requires the general assembly to appropriate \$250,000 each year for the 2019-20, 2020-21, and 2021-22 fiscal years from the general fund to the state board of education. The state board of education shall distribute the appropriation to education providers that receive a grant under the school counselor corps grant program for the purpose of educating and supporting students and families in completing and submitting the free application for federal student aid or applications for state student aid.

APPROVED by Governor May 13, 2019

EFFECTIVE May 13, 2019

H.B. 19-1192 History and civil government - history, culture, social contributions, and civil government in education commission - appropriation. The act mandates funding instruction in public schools of history and civil government of the United States and Colorado, including but not limited to the history, culture, and social contributions of American Indians, Latinos, African Americans, and Asian Americans; lesbian, gay, bisexual, and transgender individuals within these minority groups; the intersectionality of significant social and cultural features within these communities; and the contributions and persecution of religious minorities.

Current law requires school districts to convene community forums to discuss the content standards in history and civil government at least once every 10 years. The act requires the forums to be held at least every 6 years.

The history, culture, social contributions, and civil government in education commission is established to make recommendations to the state board of education when the state board performs its scheduled 6-year review of education standards so that those standards and programs accurately reflect the history, culture, social contributions, and civil government of the United States and Colorado, including the contributions and influence of American Indians, Latinos, African Americans, and Asian Americans; lesbian, gay, bisexual, and transgender individuals within these minority groups; the intersectionality of significant social and cultural features within these communities; and the contributions and persecution of religious minorities.

For the 2019-20 state fiscal year, the act makes an appropriation of \$37,495 from the state education fund to the department of education for content specialists.

APPROVED by Governor May 28, 2019

EFFECTIVE May 28, 2019

H.B. 19-1194 Student discipline - preschool through second grade - suspension - expulsion.

The act allows a state-funded, community-based preschool program, school district, or charter school (enrolling entity) to impose an out-of-school suspension or expel a student enrolled in preschool, kindergarten, or first or second grade only under specified circumstances. If the enrolling entity imposes an out-of-school suspension, the length of the suspension is limited to 3 school days unless the executive officer or chief administrative officer of the enrolling entity determines that a longer period is necessary to resolve the safety threat or recommends that the student be expelled. The state board of education (state board) cannot waive the provisions concerning suspension and expulsion of young students for school districts or charter schools. Each school district and charter school must ensure that its school discipline code reflects the requirements specified in the act. The state board must annually review the data concerning suspensions and expulsions of students in preschool, kindergarten, and first and second grade.

APPROVED by Governor May 13, 2019

EFFECTIVE July 1, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1203 School nurse grant program - appropriation. The act creates the school nurse grant program (grant program) in the department of public health and environment (department).

The grant program awards grants to local education providers, as defined in the act, to hire school nurses to serve in public schools. Grants are awarded on a 5-year grant cycle, with an initial one-year grant, renewable for an additional 4 years, as long as there is a school nurse in the grant-funded position and the grant money is being used for authorized purposes.

Subject to annual appropriations from the general assembly, the department shall recommend grant recipients, and the state board of health shall annually award up to \$3

million during the 5-year grant cycle. Once the 5-year grant cycle is complete, the department shall administer a new grant cycle.

The department may expend a portion of the grant money for reasonable and necessary administrative expenses. In each year in which school nurse grants are awarded, the department shall report to certain committees of the general assembly concerning the grant program.

For the 2019-20 state fiscal year, the act appropriates \$2,944,809 from the marijuana tax cash fund to the department of public health and environment for use by the prevention services division for the school nurse grant program. The act also appropriates \$55,121 and 0.8 FTE from the marijuana tax cash fund to the department of public health and environment for the prevention services division for the primary care office.

APPROVED by Governor May 29, 2019

EFFECTIVE May 29, 2019

H.B. 19-1222 High schools - accelerated college opportunity exam fee grant program. The act renames the advanced placement exam fee grant program as the accelerated college opportunity exam fee grant program (grant program) and expands the grant program to make funds available to high schools to reduce or eliminate the international baccalaureate exam fee for low-income students. The department of education is not required to award all grants from the program in the same amount, but a grant awarded for a lesser amount must cover the entire cost of the exam fee for which the lesser grant is awarded.

APPROVED by Governor May 16, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1236 Workforce diploma pilot program - performance payments to qualified providers for student outcomes - appropriation. The act creates the workforce diploma pilot program (program) in the department of education (department) to award completion payments to qualified providers for the attainment of certain outcomes achieved by eligible students enrolled in the courses or programs, including earning high school diplomas, course credits, or industry-recognized training certificates. The department shall administer the program. The program will operate in any year in which the general assembly appropriates money for the program.

Based on criteria listed in the act, the department shall prepare a list of qualified providers. A qualified provider may be a public, nonprofit, or private accredited, degree-granting organization with at least 2 years of experience in providing adult dropout recovery services resulting in an accredited high school diploma, as well as a local education provider, as defined for purposes of existing adult literacy and education programs. The act sets forth the amount of the payments qualified providers receive for each completion or attainment outcome achieved by their eligible students. The act includes performance standards for qualified providers and allows the department to suspend or remove providers from the list of qualified providers for failing to meet those standards.

Qualified providers receiving payments must report certain information to the

department. The department shall report to certain committees of the general assembly summarizing the information reported by qualified providers. The act repeals the program in 2022.

For the 2019-20 state fiscal year, the act appropriates \$1,012,201 and 0.2 FTE from the general fund to the department of education to implement the program.

APPROVED by Governor June 1, 2019

EFFECTIVE June 1, 2019

H.B. 19-1262 Full-day kindergarten - funding - appropriation. Before passage of the act, the school finance formula provided funding for half-day kindergarten educational programs plus a small additional amount of supplemental kindergarten funding. The act provides funding through the school finance formula for full-day kindergarten educational programs. A student enrolled in a full-day kindergarten educational program will be funded at the same amount as students enrolled full-time in other grades. A student enrolled in a half-day kindergarten educational program will be funded as a half-day student plus the existing amount of supplemental kindergarten funding.

Before passage of the act, many school districts charged parents of students enrolled in full-day kindergarten a fee to fund the full-day kindergarten educational program. After passage of the act, a school district or a charter school that provides a full-day kindergarten educational program shall not charge fees for attending kindergarten other than those fees that are routinely charged to parents of students enrolled in other grades and are applicable to the kindergarten educational program. However, if the general assembly stops funding kindergarten students as full-time pupils, then a school district or charter school may resume charging a fee or tuition for the unfunded portion of the school day.

Before passage of the act, a school district was authorized to use a half-day preschool position to enroll a child in full-day kindergarten. The act prohibits using a preschool position to enroll a child in full-day kindergarten. A school district that used preschool positions in this manner in the 2018-19 budget year will retain the positions in the 2019-20 budget year and budget years thereafter to the extent the school district fills the positions with preschool students.

The act directs a school district that is not offering a full-day kindergarten educational program as of the 2019-20 school year to submit a plan to the department of education addressing how it could phase in a full-day kindergarten educational program, but a school district is not required to offer a full-day kindergarten educational program.

If a charter school seeks to expand an existing half-day kindergarten educational program to full day, it must notify the charter authorizer and amend the charter contract, if necessary. If the authorizer objects to the program expansion, the charter school and the authorizer must negotiate a change to the charter contract. If the parties cannot agree, the charter school may appeal the issue to the state board of education for a determination. Any renegotiation of the charter school's contract must be limited to the issue of expanding the kindergarten educational program.

For the 2019-20 state fiscal year, the act appropriates \$182,911,699 to the department of education for the state share of total program funding associated with full-day

kindergarten programs. The act also appropriates \$25,094 to the department of human services for child care licensing and administration.

APPROVED by Governor May 21, 2019

EFFECTIVE May 21, 2019

H.B. 19-1277 Computer science education grant program - appropriation. The act creates in the department of education the computer science education grant program (grant program) to provide money to public schools or school districts in order to increase enrollment or participation of traditionally underrepresented students in computer science education activities.

The act requires the state board of education (board) to promulgate rules necessary for the implementation of the grant program.

The act requires the board to give priority to grant applications that:

- Demonstrate how the applicant will use the grant to serve a high-poverty student population, a high percentage of minority students, students in rural areas, or a high percentage of female students;
- Expose students to diverse professionals within the computer science industry; or
- Demonstrate a low number of computer science education courses or clubs offered in the public school or school district, if any.

The act appropriates \$250,000 each year for the 2020-21, 2021-22, and 2022-23 fiscal years, from the general fund to the department of education. The department shall distribute the money to the education providers that receive a grant.

The act requires each grant recipient to submit a report to the board.

APPROVED by Governor May 30, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

EDUCATION - POSTSECONDARY

S.B. 19-3 Educator loan forgiveness program - appropriation. The act makes changes to the teacher loan forgiveness program, renaming it the educator loan forgiveness program (program) and revising the eligibility criteria for the program.

The program:

- Repays up to \$5,000 of qualified educational loans for up to 5 years for teachers and other educators employed in qualified positions under the program; and
- Targets teachers and other educators employed in hard-to-fill positions due to geography or content area.

The department of education (department) is required to annually identify the content shortage areas that qualify for the program. Subject to available appropriations, the Colorado commission on higher education (commission) shall approve up to 100 new participants in the program each year, and the act specifies the criteria the commission shall use to prioritize applicants, if necessary.

The program includes the educator loan forgiveness fund, and the commission shall adopt policies that ensure that loan repayment is made only on qualified loans for educators in qualified positions. The commission shall prepare an annual report for the general assembly that includes information concerning the content shortage areas identified by the department and information concerning the program participants.

The act extends the repeal date of the program to 2033.

For the 2019-20 state fiscal year, the act appropriates \$623,969 to the department of higher education for use by the Colorado commission on higher education. Of that amount, \$123,969 is for administrative expenses, requiring 1.4 FTE, and \$500,000 is for student loan repayments.

APPROVED by Governor May 29, 2019

EFFECTIVE May 29, 2019

S.B. 19-7 Sexual misconduct - policies - training - reports - biennial summits - advisory committee. The act requires each institution of higher education (institution) to adopt, periodically review, and update a policy on sexual misconduct (policy). The act establishes minimum requirements for the policies, including reporting options, procedures for investigations and adjudications, and protections for involved persons. Institutions shall promote the policy by posting information on their websites and annually distributing the policy and information.

Institutions are required to provide training on awareness and prevention of sexual misconduct, the policy, and resources available to discuss such misconduct.

The act requires institutions to report to the department of higher education (department) on their policies and training, and the department shall post the reports on its website and report to the general assembly during its SMART Act hearing.

The department shall host biennial summits on sexual misconduct on institution campuses to facilitate communication, share information, and hear from experts. The act identifies the membership of the planning committee for the summits. The planning committees shall report to specified committees of the general assembly on the summits.

The act creates a sexual misconduct advisory committee to make recommendations to the general assembly and institutions on sexual misconduct policies at institutions following the promulgation of new federal rules by the federal department of education and annually thereafter.

APPROVED by Governor May 31, 2019

EFFECTIVE May 31, 2019

S.B. 19-9 Educators in rural areas - financial incentives. Before passage of the act, the department of higher education (department) annually awarded up to 40 stipends of not more than \$2,800 to students enrolled in teacher preparation programs who agreed to teach in a rural school or rural school district. The act removes the limit on the number of stipends and increases the stipend amount to \$4,000.

Before the act, the department also annually awarded up to 60 stipends to educators in rural schools and rural school districts who were seeking certain certifications. The act removes the limit on the number of stipends.

APPROVED by Governor March 25, 2019

EFFECTIVE March 25, 2019

S.B. 19-57 Distribution of student loan repayment information - public service employees. The act requires the department of personnel to develop and annually facilitate the distribution of informational materials to state employees concerning federal student loan repayment programs and loan forgiveness programs for which state employees may be eligible. The department of personnel may use existing federal informational materials, if available. The informational materials may be distributed by e-mail or through a regular mailing or communication to state employees. The department of personnel shall update the materials at least annually and facilitate the distribution of any updated materials.

In addition, the department of personnel shall distribute the informational materials to:

- The department of education, for distribution to school district, charter school, institute charter school, and boards of cooperative services employees;
- The department of higher education, for distribution to employees at state institutions of higher education;
- The secretary of state, for dissemination to nonprofit public service organizations, as defined in the act, with encouragement for these organizations to distribute the informational materials to their employees; and
- The division of local government in the department of local affairs, for distribution to cities, counties, cities and counties, special districts, and other local government entities, with encouragement for those entities to distribute the informational materials to their employees.

APPROVED March 15, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-95 Commission duties - funding formulas - 5-year reviews. The act requires the Colorado commission on higher education (commission) to conduct a review of the funding formula for institutions of higher education every 5 years and to submit a report on recommended changes to specified committees of the general assembly on or before November 1 of the year in which the review was conducted. It also specifies certain steps that the commission shall take in conducting the review.

APPROVED by Governor April 4, 2019

EFFECTIVE April 4, 2019

S.B. 19-97 Area technical colleges - capital construction and equipment requests. The act establishes a grant program to provide up to \$4 million annually to area technical colleges (ATC) for specified capital construction and equipment purchases. An ATC may submit a request to the Colorado commission on higher education (commission). If there is more than one request in a year, the ATCs must prioritize the requests. The commission may include the grant request in its budget request for ATCs in the following state fiscal year. If the commission includes more than one request, it must prioritize the requests. If the ATC receives grant money, the ATC must submit a report back to the commission in any year in which it expends grant money.

APPROVED by Governor April 16, 2019

EFFECTIVE April 16, 2019

S.B. 19-170 State institutions of higher education - application for admission - criminal or educational disciplinary history inquiry. A state institution of higher education (institution) is prohibited from inquiring, prior to admission, about an applicant's criminal history or disciplinary history at an elementary, secondary, or postsecondary institution (disciplinary history); except that the institution may inquire into the following:

- An applicant's prior convictions or disciplinary history for stalking, sexual assault, and domestic violence;
- An applicant's convictions within 5 years before submitting the application for assault, kidnapping, voluntary manslaughter, or murder; and
- Any pending criminal charges against the applicant.

An institution that accepts a form of application that may be used to apply to other institutions is prohibited from considering any criminal or disciplinary history information provided on that application that the institution is prohibited from inquiring into on its own application. An institution that accepts a form of application that is designed by a national application service, tailored for admission to a specific degree program, and used in other states may consider criminal history information provided on that application.

An institution's review of an otherwise qualified applicant's disclosed criminal history or disciplinary history must be made in a reasonable amount of time. The institution shall provide an appeals process for an otherwise qualified applicant denied admission based on the applicant's criminal or disciplinary history.

An institution is required to post its policies regarding inquiries into an applicant's criminal and disciplinary history on its website and file such policies with the Colorado commission on higher education (commission). An institution shall notify the commission at least 30 days before making any changes to such policies.

An institution is permitted to inquire into an admitted student's criminal history when obtaining information pertaining to participation in campus life or student housing.

APPROVED by Governor May 28, 2019

EFFECTIVE May 1, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-174 State institutions of higher education - tuition assistance - dependents of military members - dependents of law enforcement officers and firefighters. A dependent of a prisoner of war or military personnel missing in action, a dependent of a person who died or was permanently disabled while on duty as a Colorado National Guardsman, or a dependent of any person who has been permanently disabled or killed while acting as a police officer, sheriff, or other law enforcement officer or firefighter (dependent) who is eligible for state tuition assistance and federal educational benefits pursuant to the federal "Public Safety Officers' Benefits Act" may receive the state tuition assistance prior to receiving the federal benefit. The state tuition assistance available to a dependent is reduced by the amount of any federal educational benefit provided to the dependent.

APPROVED by Governor May 14, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-190 Teacher preparation - best practices - teacher mentor grant program - license endorsement - teacher preparation program requirements - appropriation. The act directs the department of higher education and the department of education (departments) to work with the deans of the schools of education to review, research, and identify best practices in teacher preparation. By January 1, 2020, the departments must jointly adopt guidelines to assist educator preparation programs in adopting and implementing the best practices. The departments must also jointly prepare a report concerning the best practices, the guidelines, and regulatory and statutory recommendations to ensure that the policies and criteria for approving educator preparation programs align with the best practices. The departments must submit the report to the Colorado commission on higher education, the state board of education, and the education committees of the general assembly. By March 1, 2020, the educator preparation programs must each submit a report to the departments demonstrating how the program will implement the best practices over the following 3 years.

The act creates the teacher mentor grant program in the department of higher education to provide money to school districts, boards of cooperative services, and charter schools that partner with educator preparation programs to provide training and stipends for teachers who serve as mentors for teacher candidates participating in clinical practice. The act specifies requirements that a partnership's teacher mentor program must meet to receive

a grant, including paying the mentor teacher a stipend. The act directs the departments to work with interested parties to identify best practice standards and guidelines for teacher mentoring and requires the department of higher education to adopt the standards and guidelines by January 1, 2020.

Beginning in the 2020-21 budget year, the department of higher education must annually prepare a report concerning implementation of the teacher mentor grant program and submit the report to the Colorado commission on higher education, the state board of education, the department of education, and the education committees of the general assembly.

The act relocates with nonsubstantive changes the existing collaborative educator preparation grant program and the "Rural Colorado Grow Your Own Educator Act", which provides grants for teaching fellowship programs.

The act directs the department of education to collaborate with the department of higher education to create a mentor teacher endorsement for teachers who hold master certificates and provide mentoring and oversight for teacher candidates. The act allows a teacher to use service as a mentor teacher as an approved professional development activity for license renewal.

Before passage of the act, the statute specified the requirements that an educator preparation program must meet to be approved. The act adds 2 requirements: An educator preparation program must include instruction in the science of reading and must include at least one full, continuous school year of clinical practice.

For the 2019-20 state fiscal year, the act appropriates \$1,217,787 from the general fund to the department of higher education to implement the teacher mentor grant program.

APPROVED by Governor May 10, 2019

EFFECTIVE May 10, 2019

S.B. 19-194 Colorado state university global campus - national guard tuition assistance. The act adds Colorado state university - global campus to the list of designated institutions of higher education for purposes of tuition assistance for members of the National Guard.

APPROVED by Governor May 20, 2019

EFFECTIVE May 20, 2019

S.B. 19-231 Colorado second chance scholarship program - appropriation. The act creates the Colorado second chance scholarship program (scholarship program) in the department of higher education for youth previously committed to the division of youth services in the department of human services.

The act requires the executive director of the commission on higher education to appoint a program coordinator to counsel and support scholarship recipients. The act also creates an advisory board to establish the scholarship criteria and select scholarship recipients.

The act appropriates \$305,145 from the general fund to the department of higher

education for the scholarship program.

APPROVED by Governor May 28, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1015 Colorado water institute recreation. The Colorado water institute was created in 1981 and automatically repealed in 2017. The act recreates the institute.

APPROVED by Governor February 20, 2019

EFFECTIVE February 20, 2019

H.B. 19-1152 Community colleges and occupational education - state student advisory council - membership requirement. A state student advisory council (council) exists for community colleges and occupational education.

The act eliminates the requirement that a student member of the council must be classified as an in-state student for tuition purposes prior to the election to the council.

APPROVED by Governor March 28, 2019

EFFECTIVE March 28, 2019

H.B. 19-1153 Colorado mountain college - authorization for baccalaureate degree program - local college district annexations - funding. The act changes the role and mission of Colorado mountain college from authorizing no more than 5 baccalaureate degree programs, as determined by its board, to authorizing a limited number of baccalaureate degree programs, as determined by its board. Colorado mountain college should confer with regional education providers to determine the feasibility of cooperative delivery of new bachelor's programs in adjacent localities.

If a local college district annexes a school district or group of school districts into the local college district, for at least 5 years after annexation, the act requires the Colorado commission on higher education to consider annually recommending increases to the direct grant amount appropriated to a local college district to reflect increases in resident enrollment. Prior to recommending the increase, the commission shall consult the affected local college district.

APPROVED by Governor April 5, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1178 Western state Colorado university - name change. The act simplifies the name of Western state Colorado university to Western Colorado university.

APPROVED by Governor May 31, 2019

EFFECTIVE July 1, 2019

H.B. 19-1196 Financial assistance programs - student eligibility - Colorado high school graduates. A student who does not have lawful immigration status who attended high school in Colorado for at least 3 years before graduating from a Colorado high school or before successfully completing a high school equivalency examination, is admitted to a qualifying institution of higher education within 12 months after high school graduation, and has submitted an affidavit stating that the student has applied for lawful presence or will apply as soon as he or she is eligible, is eligible for existing student financial assistance programs offered by the department of higher education to in-state students. Prior to becoming eligible, the student is subject to the same verification requirements for eligibility to participate in the college opportunity fund program.

APPROVED by Governor May 13, 2019

EFFECTIVE May 13, 2019

H.B. 19-1206 State institutions of higher education - requirements for developmental education and basic skills courses - supplemental academic instruction. The act directs the Colorado commission on higher education (commission) to adopt a developmental education policy requiring the governing boards of state institutions of higher education (institutions) to maximize the likelihood of success in entry-level (gateway) college-level course work when placing students into developmental education. The act also specifies that institutions cannot place a student into developmental education based on a single instrument or test.

For institutions authorized to offer developmental education, the act requires that, by 2022, such institutions shall directly enroll no more than 10 percent of students enrolling in the institution into stand-alone developmental education courses that may extend the student's time to degree. Instead, a student should be enrolled in a gateway college-level course with additional supports through supplemental academic instruction (SAI) or co-requisite remediation.

The act allows institutions to pilot new approaches to remediate students who may not benefit from SAI or co-requisite remediation and to seek waivers from the commission to expand or duplicate successful pilots.

The act authorizes all 4-year institutions to offer SAI, without approval from the commission, to students who need additional supports to be successful in college-level courses.

The act clarifies and adds reporting requirements relating to developmental education and SAI.

The act changes the term "basic skills" in statute to "developmental education" and makes conforming amendments throughout.

APPROVED by Governor April 25, 2019

EFFECTIVE April 25, 2019

H.B. 19-1280 College kickstarter account program - collegeinvest-provided initial funding for individual college savings accounts - program outreach and marketing - financial literacy education - ongoing program evaluation. The act creates the college kickstarter account program (kickstarter program) to provide initial funding (kickstarter funding) for a collegeinvest (authority) college savings account (account) for each child born or adopted

in Colorado on or after January 1, 2020, but before January 1, 2040, (eligible child), encourage the parent or parents of each eligible child to claim the kickstarter funding by establishing an account, and, if sufficient funding from gifts, grants, and donations is received, provide a free financial literacy education program for eligible children and their parent or parents and other family members. The authority is required to implement and administer the kickstarter program; except that the state treasurer is required to develop and administer the program component of free financial literacy education. The authority may adopt rules that it deems necessary for the implementation and administration of the kickstarter program.

The authority must establish and fund a kickstarter program master account (master account) and provide sufficient annual funding for the master account from money that is otherwise available for its scholarship and matching grant programs to be able to transfer a specified amount of kickstarter funding in the master account to the account of each eligible child. The authority must engage in a robust outreach and marketing program to encourage the parent or parents of each eligible child to claim the eligible child's kickstarter funding by opening an account for the eligible child within 5 years of the eligible child's birth or adoption and must transfer all kickstarter funding claimed from the master account to the eligible child's account. Kickstarter funding is not counted as income or resources of the eligible child or the parent or parents of the eligible child for purposes of determining eligibility or benefit amounts for any state-funded program.

The authority must conduct an ongoing summative evaluation to collect summative data to evaluate the kickstarter program's effectiveness over time and must prepare, present to its legislative oversight committees, and conspicuously post on its website an annual written report on the results of the ongoing summative evaluation. The college kickstarter account program fund is created to hold any gifts, grants, and donations obtained, and the authority and the state treasurer may spend money from the fund for the purposes of the kickstarter program.

APPROVED by Governor May 13, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1294 Community colleges and occupational education - earned construction industry registered apprenticeship program credit - transfer to college credit - working group - appropriation. The chief administrative officer of the Colorado community college system, or his or her designee, is required to convene a working group to determine the most efficient and appropriate manner in which to facilitate the transfer of earned construction industry registered apprenticeship program credit to college credit. If possible, the chief administrative officer is required to include representatives from varying community colleges, area technical schools, local district colleges, relevant 4-year institutions that grant bachelor degrees, applicable union and nonunion labor organizations, and other interested parties. The working group will meet during the interim following the first regular session of the seventy-second general assembly and is required to consider specified issues, solicit input from subject matter experts, and submit to the general assembly its recommendations for the most efficient and appropriate manner in which to facilitate the transfer of earned construction industry registered apprenticeship program credit to college credit, including any recommendations for necessary legislation.

The money appropriated for purposes of the working group is exempt from the matching requirement for student financial assistance. In addition, the department of higher education is required to enter into a fee-for-service contract for the purposes of the working group.

For the 2019-20 state fiscal year, \$15,000 is appropriated to the department of higher education from the general fund.

APPROVED by Governor May 28, 2019

EFFECTIVE May 28, 2019

H.B. 19-1311 CSU-Pueblo - Institute of Cannabis Research - governing board - host institution relocation. The act creates the institute of cannabis research (institute) at Colorado state university - Pueblo. The role and mission of the institute is to conduct or fund research related to cannabis and publicly disseminate the results of the research. The act creates the institute of cannabis research governing board (governing board) to oversee the institute and approve its annual budget. The governing board shall advise any Colorado institution of higher education that is developing cannabis-related curriculum and provides input to the Colorado commission on higher education before it approves any cannabis-related degrees or certification. The governing board consists of:

- The chancellor of the Colorado state university system or his or her designee;
- The executive director of the Colorado commission on higher education or his or her designee;
- The president of the University of Colorado or his or her designee;
- The executive director of the department of public health and environment or his or her designee;
- The following seven members appointed by the governor, with the consent of the senate:
 - Three scientists from relevant fields who have been employed at appropriate research-oriented institutions or entities who support the mission of the institute; and
 - Four members associated with cannabis-related industries within Colorado.

The institute has a director that is an employee of the host institution. The director manages the institute's budget and employees, oversees the research-funding process, delivers an annual symposium, and produces an annual report. The act creates a process to relocate the institute if Colorado state university - Pueblo wants to stop hosting the institute or if the governing board believes that the institute should be relocated.

APPROVED by Governor May 29, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

ELECTIONS

S.B. 19-42 Interstate agreement to elect president of the United States by national popular vote. The act makes law and enters into with all other states joining therein the agreement among the states to elect the president of the United States by national popular vote (agreement). Among other provisions, the agreement:

- Permits any state of the United States and the District of Columbia to become members of the agreement by enacting the agreement;
- Requires each member state to conduct a statewide popular election for president and vice president of the United States;
- Prior to the time set for the meeting and voting of presidential electors, requires the chief election official of each member state to determine the number of votes cast for each presidential slate in a statewide popular election and to designate the presidential slate with the largest national popular vote total as the national popular vote winner;
- Requires the presidential elector certifying official of each member state to certify the appointment in that official's own state of the elector slate nominated in that state in association with the national popular vote winner. At least 6 days before the day fixed by law for the meeting and voting by the presidential electors, the agreement requires each member state to make a final determination of the number of popular votes cast in the state for each presidential slate and to communicate an official statement of the determination within 24 hours to the chief election official of each other member state. The agreement also requires the chief election official of each member state to treat as conclusive an official statement containing the number of popular votes in a state for each presidential slate made by the day established by federal law for making a state's final determination conclusive as to the counting of electoral votes by congress.
- Specifies that the agreement governs the appointment of presidential electors in each member state in any year in which the agreement is in effect on July 20 in states cumulatively possessing a majority of the electoral votes;
- Permits a state's withdrawal from the agreement, except in limited circumstances;
- Specifies that the agreement will terminate if the electoral college is abolished; and
- Provides that the invalidity of any of the agreement's provisions do not affect the remaining provisions.

The act specifies that when the agreement becomes effective, it supersedes any conflicting provisions of Colorado law.

When the agreement becomes effective and governs the appointment of presidential electors, each presidential elector is required to vote for the presidential candidate and, by separate ballot, vice-presidential candidate nominated by the political party or political organization that nominated the presidential elector.

APPROVED by Governor March 15, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-68 Electioneering communications - disclosure during period between primary and general election - disclaimer requirement. The state constitution defines an "electioneering communication" to mean certain communication that unambiguously refers to a candidate that is disseminated to the public within 30 days before a primary election or within 60 days before a general election.

For purposes of campaign finance disclosure, the act expands the definition of this term in the "Fair Campaign Practices Act" to include any communication that satisfies all other requirements of the definition of the term specified in the state constitution but that is broadcast, printed, mailed, delivered, or distributed between the primary election and the general election.

The act also requires any person who expends \$1,000 or more per calendar year on electioneering communications or regular biennial school electioneering communications to state in the communication the name of the person making the communication in accordance with existing statutory requirements for communication constituting an independent expenditure.

APPROVED by Governor April 1, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-202 Notice and preparation for elections - accessibility for voters with disabilities - independent and private marking of ballot - electronic voting device - appropriation. The secretary of state is required to establish procedures to enable a voter with a disability to independently and privately mark a ballot or use an electronic voting device that produces a paper record using nonvisual access, low vision access, or other assistive technology in order for the voter to vote in a mail ballot election. The secretary of state is required to include in the procedures a method by which a voter with a disability may request such a ballot.

A voter with a disability who requests that a ballot and balloting materials be sent by electronic transmission may choose electronic mail delivery or, if offered by the voter's jurisdiction, other electronic means. The designated election official in each jurisdiction charged with distributing a ballot and balloting materials is required to transmit the ballot and balloting materials to the voter using the means of transmission chosen by the voter. A voter with a disability who receives a ballot via electronic means must print the ballot and such ballot must be received by the election official in the applicable jurisdiction before the close of polls on the day of the election.

For the 2019-20 state fiscal year, \$50,000 is appropriated from the department of state cash fund to the department of state for use by the information technology division.

APPROVED by Governor May 29, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-229 Use of campaign contributions received for reasonable and necessary expenses - care of children or other dependents. The act permits a candidate committee established in the name of a candidate to expend contributions received and accepted during any particular election cycle to reimburse the candidate for reasonable and necessary expenses for the care of children or other dependents the candidate incurs directly in connection with his or her campaign activities during the election cycle. The candidate committee is required to disclose these expenditures in the same manner as any other expenditures the committee is required to disclose.

APPROVED by Governor May 30, 2019

EFFECTIVE September 1, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-232 Campaign and political finance - rules of the secretary of state - enforcement procedures. The act codifies in the "Fair Campaign Practices Act" the rules of the secretary of state (secretary) addressing the procedures that govern the enforcement of state laws governing campaign and political finance. In particular, the codified provisions specify the procedures governing the filing of complaints, initial review of complaints by the elections division (division) within the secretary's office, the method by which a respondent may cure a violation of the campaign finance laws, the investigation of unresolved or uncured complaints by the division, the conduct of hearings, review by the division of campaign finance documents it receives for filing, and the issuance of advisory opinions by the secretary.

The act also deletes an existing statutory provision it makes obsolete requiring administrative law judges to complete continuing legal education in campaign finance.

APPROVED by Governor May 29, 2019

EFFECTIVE July 1, 2019

S.B. 19-235 Voter registration - transfer of records from department of revenue - transfer of records from department of health care policy and financing - voter registration agency reports - verification of signatures - appropriation. Beginning July 1, 2020, the department of revenue is required to transfer to the secretary of state (secretary) the electronic record of each unregistered elector or person eligible to preregister who applies for the issuance, renewal, or correction of a Colorado driver's license or identification card and who provides documentation of citizenship. The elector's county clerk reviews the record for completeness and sends the elector a notice advising that the elector has been registered to vote. The elector can return the notice to either decline to be registered or affiliate with a party. If the elector does not decline to be registered within 20 days after the notice is mailed and the form is not returned as undeliverable, the elector is registered to vote.

The department of health care policy and financing is also required to begin transferring to the secretary the electronic records of electors who apply for medicaid, subject to compliance with all federal laws and regulations. The elector's county clerk reviews the record for completeness and sends the elector a notice advising that the elector has been registered to vote. The elector can return the notice to decline to be registered, affiliate with a party, or provide a signature if necessary for their record. If the elector does not decline to be registered within 20 days after the notice is mailed and the form is not returned as

undeliverable, the elector is registered to vote.

Agencies that oversee offices designated as voter registration agencies are required to begin reporting information to the secretary related to the number of people who apply for benefits or programs, the number of voter registration choice forms the offices collect, and the number of people who receive voter registration forms. The office of information technology is required to assess and report to the secretary which voter registration agencies collect sufficient information for voter registration purposes. When the office of information technology and the secretary determine that an agency collects sufficient information, the agency is required to begin transferring records to the secretary for voter registration purposes.

Unless a person who knows they are ineligible to vote intentionally takes voluntary action to become registered, the transfer of the person's record by a voter registration agency does not constitute completion of a voter registration form by that person.

Beginning July 1, 2020, the act creates a process for electors who are registered through a voter registration agency to provide a signature for verification if they return a ballot in an election but a copy of their signature is not found in the statewide voter registration system.

For the implementation of the act, \$67,840 is appropriated to the department of state, \$136,240 is appropriated to the office of the governor for use by the office of information technology, \$18,000 is appropriated to the department of revenue for use by the division of motor vehicles, and \$90,287 is appropriated to the department of human services. It is anticipated that the department of human services will receive an additional \$45,413 in federal funds for the office of information technology services to implement the act.

APPROVED by Governor May 29, 2019

EFFECTIVE July 1, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1007 Campaign contribution limits - county offices - appropriation. Current law regulating campaign finance does not set limits on contributions to candidates for a county office. The act sets the maximum amount of aggregate contributions that a person may make to a candidate committee of a candidate for a county office, and that a candidate committee for such candidate may accept from such person, as follows:

- In the case of any person other than a small donor committee or a political party, \$1,250 for both the primary and general elections;
- In the case of a small donor committee, \$12,500 for both the primary and general elections; and
- In the case of a political party, \$22,125 for the applicable election cycle.

The act defines "county office" to mean a county commissioner, county clerk and recorder, sheriff, coroner, treasurer, assessor, or surveyor.

The act specifies that the contribution limits in the act are required to be adjusted for inflation in the same manner as other contribution limits specified in the state constitution.

The act also makes statutory requirements governing the disclosure of campaign finance information and the filing of disclosure reports applicable to a contribution made to, or received by, a candidate committee of a candidate for a county office.

For the 2019-20 state fiscal year, the act appropriates \$7,000 to the department of state cash fund for personal services related to information technology services.

APPROVED by Governor April 12, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1266 Individuals serving a sentence of parole - eligibility to register and vote - meaning of full term of imprisonment - appropriation. Existing law prohibits a person serving a sentence of parole from being eligible to register to vote or to vote in any election. The act declares that the purposes of parole are served by restoring the vote to persons serving a sentence of parole.

The act clarifies that, for purposes of the "Uniform Election Code" and for applying state constitutional provisions governing disenfranchisement during imprisonment, persons sentenced to parole have completed their "full term of imprisonment" as that term appears in the state constitution. Accordingly, the act makes an individual serving a sentence of parole eligible to register to vote and to vote in any election.

The division of adult parole is required to provide an individual sentenced to parole information regarding the individual's voting rights, how the individual may register to vote and cast a ballot, and how the individual may obtain voter information materials.

The act repeals existing statutory provisions permitting a person on parole to preregister to vote so that the person is automatically registered to vote after being released from parole.

For the 2019-20 state fiscal year, the act appropriates \$16,960 to the department of state for use by the information technology division.

APPROVED by Governor May 28, 2019

EFFECTIVE July 1, 2019

H.B. 19-1278 Uniform Election Code of 1992 - modifications - appropriation. The act makes changes to the "Uniform Election Code of 1992" (code), including changes to procedures for voter registration, including registration on Indian reservations; ballot access requirements, including changes to the number of signatures required on candidate petitions and requiring licensing and training for petition entities; political party organization filing requirements; procedures for in-person voting, including allowing a person who does not reside in a county but wishes to vote at a polling location to cast a ballot that contains statewide federal and state offices and questions; requirements for the content of an election plan; procedures for curing ballots; and requirements for recall petitions, including allowing the incumbent to file a statement to included on the petition and changes to the procedures for curing petitions. The formulas and hours for drop boxes and voter service and polling centers are revised, and counties are required to locate some drop boxes and voter service and

polling centers on higher education campuses and Indian reservations. Seventeen year olds who are preregistered and who will be eighteen on the date of the next general election are allowed to participate in primary elections and caucuses. A person may seek a court order to keep polling locations open past the regular closing time on election day when voting at or access to a polling location has been substantially impaired. The secretary of state is required to complete updates to the statewide voter registration database to reduce wait times at polling locations. The act makes additional technical changes and corrections to the code.

The act creates the local elections assistance cash fund to reimburse counties for the one-time purchase of voting equipment necessary to fulfill the requirements of the act.

For the implementation of the act, \$50,945 is appropriated to the department of state for use by the elections division, \$255,298 is appropriated to the department of state for use by the information technology division, and \$2,790 is appropriated to the department of personnel for use by the division of central services. In addition, \$2,0960,000 is appropriated to the local elections assistance cash fund.

APPROVED by Governor May 29, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1318 Campaign and political finance - contributions to issue committees - campaign activity by noncitizens - restrictions on independent expenditure committees - expanded disclaimer requirements for independent expenditures - written affirmation where certain money transfers are earmarked for particular campaign purposes - disclosure by issue committees and small-scale issue committees - appropriation. The act prohibits an issue committee or small-scale issue committee from knowingly accepting contributions from:

- Any natural person who is not a citizen of the United States;
- A foreign government; or
- Any foreign corporation that does not have the authority to transact business in this state.

Under the act, a natural person who is not a citizen of the United States, a foreign government, or a foreign corporation is prohibited from establishing, registering, or maintaining a political committee, small donor committee, political party, issue committee, or small-scale issue committee, or making an electioneering communication or regular biennial school electioneering communication.

If, within the 6 months before becoming a candidate for public office, a person actively solicits funds for an independent expenditure committee with the intent of benefitting his or her future candidacy, any expenditure made by that independent expenditure committee in that candidate's race is presumed to be controlled by or coordinated with that candidate and deemed to constitute both a contribution by the maker of the expenditures and an expenditure by the candidate committee.

The act extends existing restrictions barring a foreign corporation from expending money on an independent expenditure to include a natural person who is not a citizen of the United States or a foreign government. The act also prohibits an independent expenditure

committee from knowingly accepting a donation from any natural person who is not a citizen of the United States, any foreign government, or any foreign corporation.

The act expands existing requirements requiring a disclaimer to include communication placed on a website, streaming media service, or an online forum for a fee, or that is otherwise distributed. Existing requirements pertaining to the nature of the disclaimer are expanded to include online video or audio communications.

Any corporation, labor organization, or independent expenditure committee (covered organization) that contributes, donates, or transfers \$10,000 or more to any person during any one calendar year earmarked for the purpose of making an independent expenditure or electioneering communication must provide to the recipient of the contribution, donation, or transfer a written affirmation.

Any covered organization that transfers \$10,000 or more to any person, earmarked for the purpose of that person making a contribution, donation, or transfer to pay for an independent expenditure or electioneering communication, during any one calendar year, must provide to the recipient of the transfer a written affirmation.

Particular disclosure requirements are made applicable to a covered organization that is not a for-profit organization.

The act prohibits any person from accepting a contribution, donation, or transfer from a covered organization unless the covered organization provides a written affirmation. The act describes the required contents of the affirmation.

The act repeals and reenacts existing statutory provisions addressing small-scale issue committees and, in particular, specifies requirements governing when such committees are required to disclose and file reports of their contributions or expenditures.

Under existing law, an issue committee making an expenditure in excess of \$1,000 on a communication is required to disclose in the communication the name of the issue committee making the expenditure. The act expands these requirements so they apply to a candidate committee, political committee, small donor committee, political organization, political party, or other person, as well as an issue committee, making or spending more than \$1,000 per calendar year on a communication. The act also extends these requirements to communication placed on a website, streaming media service, or online forum for a fee. Instead of requiring that the communication disclose certain information, the act requires that the responsible person include in the communication a disclaimer statement. The act specifies the contents of the disclaimer statement.

For the 2019-20 state fiscal year, the act appropriates \$42,650 to the department of state from the department of state cash fund for use by the information technology division.

APPROVED by Governor May 29, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

FINANCIAL INSTITUTIONS

S.B. 19-23 Securities - registration and licensing requirements - exemptions - cryptocurrency - Colorado Digital Token Act. The act provides limited exemptions from the securities registration and securities broker-dealer and salesperson licensing requirements for persons dealing in digital tokens. "Digital token" is defined as a digital unit with specified characteristics, secured through a decentralized ledger or database, exchangeable for goods or services, and capable of being traded or transferred between persons without an intermediary or custodian of value.

APPROVED by Governor March 6, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1043 Life care institutions - reserve requirement - surety bond option. Current law requires life care institutions to maintain reserves through 1 or more of several options that all require liquidity. The act allows a surety bond as a type of allowable reserve.

APPROVED by Governor March 28, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

GENERAL ASSEMBLY

S.B. 19-149 Colorado human trafficking council - continuation under the sunset law. The act continues the Colorado human trafficking council (council) until September 1, 2024.

The act amends the composition of the council as follows:

- Adds one more person who is a former victim of human trafficking for involuntary servitude and one more person who is a former victim of human trafficking for sexual servitude;
- Adds a new position for one person who is a representative of a statewide coalition for victims of domestic violence; and
- Adds a new position for one person who is a representative of an organization for victims of labor trafficking or an individual who has extensive professional experience in advocating for victims of labor trafficking.

The act amends the council's requirements to make recommendations to the judiciary committees of the house of representatives and the senate.

APPROVED by Governor May 20, 2019

EFFECTIVE May 20, 2019

S.B. 19-163 Sunset - cold case task force. The act continues the cold case task force until 2026.

APPROVED by Governor May 20, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-244 Office of legislative workplace relations - creation - duties - confidentiality - workplace harassment - executive sessions - exceptions to CORA - appropriation. The act creates the office of legislative workplace relations (office) within the office of legislative legal services and makes the records of that office exempt from public inspection. The office is charged with handling employee relations, including the handling of complaints under the workplace expectations and workplace harassment policies. Records of the office related to complaints, investigations, and other inquiries are exempted from the definition of public records and are not subject to public inspection; except that the office is required to release an annual statistical report of the numbers of complaints received and their resolution. In addition, if a workplace harassment committee finds that it is more likely than not that a legislator violated the policy, the committee must release the report unless it decides by a two-thirds vote not to do so.

The act allows a state public body to meet in executive session to consider a matter related to the workplace harassment or workplace expectations policies of the general assembly.

The act clarifies that all Colorado Open Records Act (CORA) custodians are required to deny a request to inspect records that are created or provided by the office and that relate to complaints, investigations, inquiries, or requests related to workplace harassment or

conduct under the general assembly's policies.

A disclosure of an intimate relationship filed in accordance with a policy of the general assembly is part of an individual's personnel file, and therefore not subject to public inspection under CORA.

For the 2019-20 state fiscal year, the act appropriates \$221,925 from the general fund to the legislative department for the new office.

APPROVED by Governor May 20, 2019

EFFECTIVE May 20, 2019

S.B. 19-252 Department presentation to legislative committees of reference - department regulatory agendas. The act requires all presentations made to joint committees of reference under the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" to be conducted in the first 2 weeks of the regular legislative session rather than during the interim between legislative sessions, and as a result:

- Repeals the requirement that appointees to committees of reference be designated no later than December 1 prior to the convening of the general assembly; and
- Repeals the authorization that members and members-elect are entitled to per diem and reimbursement of expenses.

APPROVED by Governor May 23, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1020 Capital development committee - appointments - chair and vice-chair elections. The act clarifies who makes the appointments of members from the senate and the house of representatives to serve on the capital development committee and clarifies that the chair and vice-chair elections are made at the first December meeting of the capital development committee held after the general election in each even-numbered year.

APPROVED by Governor March 11, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1024 Colorado youth advisory council - review committee - appropriation. The Colorado youth advisory council review committee (review committee) is created to review the work of the Colorado youth advisory council (council) and recommend legislation affecting Colorado youth. The review committee is comprised of the legislative members of the council, 5 nonlegislative council members who are appointed by the council, and one member of the legislative council. The 5 legislative members of the review committee serve as voting members. All other members are nonvoting members. The review committee may meet up to 3 times each interim and recommend up to 3 bills to the legislative council.

For the 2019-20 state fiscal year, the act appropriates \$28,790 from the general fund to the legislative department to use as follows:

- \$18,455 for use by legislative council staff;
- \$6,889 for use by the committee on legal services; and
- \$3,446 for use by the general assembly.

APPROVED by Governor May 30, 2019

EFFECTIVE May 30, 2019

H.B. 19-1173 Legislative council - executive committee - appointment of temporary replacements. An ex officio member of the legislative council may make a temporary appointment to replace himself or herself at a meeting of the council. A temporarily appointed member cannot replace the ex officio member at a meeting of the executive committee.

APPROVED by Governor April 10, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1184 Demographic notes on bills - process for requesting - content of notes - appropriation. Beginning with the 2020 legislative session, the staff of the legislative council are required to prepare demographic notes on legislative bills in each regular session of the general assembly. The speaker of the house of representatives, the minority leader of the house of representatives, the president of the senate, and the minority leader of the senate are authorized to request 5 demographic notes each, or more at the discretion of the director of research of the legislative council.

When a member of leadership requests a demographic note, the staff of the legislative council must meet with the requesting member and the sponsor of the bill to discuss whether a demographic note can practically be completed for that bill. If not, the member of leadership may request a demographic note on a different bill, within the limits specified in the act.

A demographic note is defined as a note that uses available data to outline the potential effects of a legislative measure on disparities within the state. Disparities means the difference in economic, employment, health, education, or public safety outcomes between the state population as a whole and subgroups of the population defined by relevant characteristics for which data are available, including race, ethnicity, sex, gender identity, sexual orientation, disability, and geography.

The director of research of the legislative council must develop the procedures for requesting, completing, and updating the demographic notes and memorialize the procedures in a letter to the executive committee of the legislative council. The director may seek and expend gifts, grants, or donations to pay for training for staff.

\$89,474 is appropriated to the legislative department for use by the legislative council

staff for the implementation of the act.

APPROVED by Governor May 23, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1188 Greenhouse gas emissions reports on bills - process for requesting - content of reports - appropriation. Beginning with the 2020 legislative session, the staff of the legislative council are required to prepare greenhouse gas emissions reports (reports) on legislative bills in each regular session of the general assembly. The speaker of the house of representatives, the minority leader of the house of representatives, the president of the senate, and the minority leader of the senate are authorized to request 5 reports each, or more at the discretion of the director of research of the legislative council.

When a member of leadership requests a report, the staff of the legislative council must meet with the requesting member and the sponsor of the bill to discuss whether a report can practically be completed for that bill. If not, the member of leadership may request a report on a different bill, within the limits specified in the act.

A greenhouse gas emissions report is defined as a report that uses available data to assess whether a legislative measure is likely to directly cause a net increase or decrease in greenhouse gas pollution in the 10-year period following its enactment. The report must identify new sources of emissions, any increase or decrease in emissions from existing sources, and any impact on sequestration, but is not required to quantify the magnitude of the impact. Greenhouse gas is defined to mean to carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride.

The director of research of the legislative council must develop the procedures for requesting, completing, and updating the reports and memorialize the procedures in a letter to the executive committee of the legislative council. The director must provide a report to the legislative council on the implementation of the act on or before December 1, 2024. The act is repealed effective September 1, 2025.

\$81,911 is appropriated to the legislative department for use by the legislative council staff for the implementation of the act.

APPROVED by Governor May 29, 2019

EFFECTIVE May 29, 2019

H.B. 19-1214 Capital construction - repeal of requirement to recommend new method of financing the state's capital needs. The act repeals a requirement that the joint budget committee develop and make recommendations concerning new methods of financing the state's ongoing capital construction, capital renewal, and controlled maintenance needs.

APPROVED by Governor May 29, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

GOVERNMENT - COUNTY

S.B. 19-19 Fireworks restrictions - period between May 31 and July 5 of any year - competent evidence of high fire danger. Under current law, a county may prohibit or restrict by ordinance the sale, use, and possession of fireworks, including permissible fireworks (fireworks restrictions), for a period that does not exceed one year in length within all or any part of the unincorporated areas of the county; except that such an ordinance shall not be in effect between May 31 and July 5 of any year unless the ordinance includes an express finding of high fire danger, based on competent evidence. The act specifies that such an ordinance is in effect for the period between May 31 and July 5 of any year only if the county adopts by resolution such fireworks restrictions for such period, which resolution includes an express finding of high fire danger, based on competent evidence.

However, if the county adopts a resolution specifying that the ordinance remains in effect for such period, or any portion of such period, and subsequent to the adoption of the resolution, a change in the weather occurs resulting in competent evidence that the high fire danger is not present and no longer will be present during the remainder of the period, the act requires the county to endeavor to promptly consider whether to exercise its legislative discretion to rescind the restrictions it has adopted on the sale, use, and possession of fireworks. The ordinance remains in effect and is fully enforceable until the restrictions have been rescinded.

The act also adds as a source of "competent evidence" justifying a finding of high fire danger predictions of future fire danger such as those issued by the national interagency coordination center or any successor entity as well as localized evidence of low fuel moisture content.

APPROVED by Governor March 21, 2019

EFFECTIVE March 21, 2019

H.B. 19-1274 Boards of county commissioners - delegation to county administrative officials - land use determinations affecting subdivision platting. The process for review and approval by a county of subdivision plats or other plans and agreements affecting certain land use determinations must be conducted pursuant to county resolutions, ordinances, or regulations. The act provides that such resolutions, ordinances, or regulations may provide for the delegation by a board of county commissioners (board) to one or more county administrative officials the authority to:

- Approve or deny final plats, amendments to final plats, and correction plats;
- Approve subdivision improvement agreements and other agreements required in connection with a final plat, an amendment to a final plat, or correction plat;
- Review and approve the data, surveys, analyses, studies, plans and designs submitted in connection with a final plat, amendment to a final plat, or correction plat; and
- Review and approve any subdivision exemption.

Any delegation of authority made pursuant to the act does not include:

- The approval of any agreement for the expenditure of public funds; or
- The waiver or restriction of any appeal process provided by county resolution, ordinance, or regulation.

Any delegation of authority made pursuant to the act must include procedures for public notice and the submission of written comments prior to the administrative approval or denial of a final plat or amendment to a final plat and for the appeal to a board of such administrative approval or denial.

APPROVED by Governor May 31, 2019

EFFECTIVE September 1, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1295 County - county treasurer to serve as public trustee. Public trustees for Class 2 counties (Adams, Arapahoe, Boulder, Douglas, El Paso, Jefferson, Larimer, Mesa, Pueblo, and Weld) are currently appointed by the governor. Commencing July 1, 2020, the act specifies that the county treasurer for each Class 2 county will serve as the public trustee for the county. The county treasurer is required to create a transition plan for assuming the new duties of the public trustee. The county treasurer is authorized to consider incorporating staff of the appointed trustee's office, including the prior public trustee, into the treasurer's office.

APPROVED by Governor May 29, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

GOVERNMENT - LOCAL

S.B. 19-91 Peace officer-involved shooting or fatal use of force - law enforcement agency policies. Law enforcement agencies must develop policies to support officers involved in a shooting or fatal use of force. The policies must address pre-incident training and preparation, support for the officer at the scene of the incident, post-incident support and services, guidelines for temporary leave or duty reassignment, and guidelines for return to duty. The policies must be completed by January 1, 2020. Law enforcement agencies are required to review the policies on a biennial basis.

APPROVED by Governor April 23, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-103 Prohibition on local government requiring license or permit for a business operated on an occasional basis by a minor - minor business must be located sufficient distance from commercial entity - general police powers still apply. The act prohibits any county, municipality, or city and county (local government) or any agency of a local government from requiring a license or permit for a business that is:

- Operated on an occasional basis by a minor (a person under the age of 18 years); and
- Located a sufficient distance from a commercial entity, determined by the local government, that is required to obtain a permit or license from the local government or an agency of the local government to prevent the minor's business from becoming a direct economic competitor of the commercial entity.

The act defines "occasional basis" to mean the business does not operate more than 84 days in any one calendar year.

The act specifies that it does not prohibit a local government from enacting and enforcing local laws under the local government's general police power in regard to the manner in which a business may be conducted by a minor with the exception of a requirement that the minor obtain a permit or license prior to engaging in the business.

APPROVED by Governor April 1, 2019

EFFECTIVE April 1, 2019

S.B. 19-106 County, municipal, and political subdivision officers' and employees' retirement systems - employer withdrawal from system - current employees who are peace officers. For a local government that has adopted a plan or system of retirement benefits for its elected or appointed officers and for its employees and that maintains an association for the purchase, establishment, or procurement of a retirement plan or system (association), a new mechanism for certain employers to withdraw from its participation in the association is created. The board of county commissioners may, after an association has been provided an opportunity to present information to the board of county commissioners regarding the advantages or disadvantages of withdrawal from the association, initiate the withdrawal of current

employees who are peace officers from its participation in and contributions to a defined contribution plan offered by an association for the purpose of joining a retirement plan offered by the fire and police pension association. For such a withdrawal, the approval requirement to withdraw is 55% of all current employees who are peace officers proposed to be withdrawn from participation in a defined contribution plan offered by the association.

If the withdrawal from the defined contribution plan offered by an association is approved, a current employee who is a peace officer may elect to remain an active member of the defined contribution plan. A current employee who is peace officer is required to notify the association and the board of county commissioners whether he or she will remain in the defined contribution plan or become part of the defined benefit plan administered by the fire and police pension association. If a current employee who is a peace officer does not provide such notice, the current employee will remain in the defined contribution plan. A peace officer who is hired on or after the effective date of the retirement plan offered by the fire and police pension association will be enrolled in the retirement plan offered by the fire and police pension association.

A board of county commissioners may use the new withdrawal provision once every 4 years. A board of county commissioners may also use the existing withdrawal provision to initiate the withdrawal of current employees who are peace officers from its participation in a defined contribution plan.

APPROVED by Governor May 6, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-260 Fire and police pension association - entry for social security employers - participation in defined benefit system. The board of the fire and police pension association (association) is authorized to allow an employer that covers employees under the federal "Social Security Act" whose duties are directly involved with the provision of law enforcement or fire protection (employer) and that is eligible to participate in the social security supplemental plan established by the association to alternatively elect to participate in one or more of the defined benefit plans administered by the association with full benefits and unreduced contribution rates.

An employer that elects to affiliate with the association to participate in a defined benefit plan is required to make the election through the governing board of the local government or county. An application for coverage by the association is required to be approved by at least 65% of all active members employed by the employer who vote in the election proposing coverage.

The board of the association is authorized to adopt rules to allow an employee of the affiliating employer to elect to remain in a predecessor plan and not have coverage by the association. All active employees at the time of affiliation with the association, with the exception of employees who elect to remain in a predecessor plan, and all employees who are hired after affiliation will become participants in the association and such participation cannot be revoked.

APPROVED by Governor June 3, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1084 Urban renewal - blight determination - notice of determination. Under current law, before an urban renewal authority (authority) may undertake an urban renewal project for an urban renewal area, it must determine that the area is a slum, blighted area, or a combination of such conditions. When the authority determines that the area is not a slum, a blighted area, or a combination of such conditions, the authority is also required to send notice of the determination to any owner of private property located within the area within 30 days of the determination. The act modifies this latter requirement by requiring notice be provided to such property owners within 7 days of either determination being made.

APPROVED by Governor March 21, 2019

EFFECTIVE September 1, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1087 Public meetings - notice - online posting. Current law requires local governments to post notices of public meetings required by the state open meetings law in physical locations. The act allows a local government to post the notices on the local government's website. The notices are accessible to the public at no charge. The notices shall be searchable, if feasible, by type of meeting, date and time of meeting, and agenda contents. A local government that posts notices of public meetings on its website may continue to post the notices in a physical location, but is not required to do so.

APPROVED by Governor April 25, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1191 Farm stands - retail sale of goods permitted - compliance with other applicable laws. The act defines "farm stand" to mean a temporary or permanent structure used for the sale and display of agricultural products resulting from agricultural operations that are conducted on the principal use site on which the farm stand is located. The act permits a farm stand to sell and display agricultural products resulting from agricultural operations not conducted on the principal use site to the extent permitted by the applicable local government.

The act permits a farm stand to be located on a parcel of any size. The retail sale of goods to the public by a farm stand must include goods or other agricultural products that are grown or produced on the principal use site on which the farm stand is located or may include agricultural products resulting from agricultural operations that are not conducted on the principal use site to the extent permitted by the applicable local government. The act does not prohibit a local government from requiring the operator of a farm stand to obtain a valid license or permit or to comply with any other applicable laws prior to operating the farm stand, but in no way shall such local permitting, licensing, or other applicable legal

requirements deny the use of the site as a farm stand.

APPROVED by Governor April 12, 2019

EFFECTIVE July 1, 2019

H.B. 19-1201 Open meetings law - executive session - developing strategy for negotiations relating to collective bargaining or employment contracts. Under the Colorado open meetings law, a board of education of a school district (board) may hold an executive session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators. The act clarifies that these matters authorizing the board to meet in executive session include development by the board of its strategy for negotiations relating to collective bargaining or employment contracts.

The act also makes a conforming amendment to the "Colorado School Collective Bargaining Agreement Sunshine Act".

APPROVED by Governor April 12, 2019

EFFECTIVE September 1, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1245 Vendor fee rate increase - use of increased funds for affordable housing grants and loans. Beginning January 1, 2020, the act increases the vendor fee, which is an amount that a retailer is permitted to retain for its expenses incurred in collecting and remitting the state sales tax, from 3% to 4%, subject to a \$1,000 monthly cap. This limit applies regardless of the number of the retailer's locations, and a vendor with multiple locations is required to register all locations under one account with the department of revenue.

The state treasurer is annually required to credit an amount equal to the increase in sales taxes attributable to the vendor fee changes, minus a specified amount, to the housing development grant fund, which the division of housing in the department of local affairs (division) uses to make grants and loans to improve, preserve, or expand the supply of affordable housing in the state. The division is required to annually award at least 1/3 of this money for affordable housing projects for households whose annual income is less than or equal to 30% of the area median income. The increase in sales taxes attributable to the vendor fee changes that result from the act are excluded from the definition of "state sales tax increment revenue" for purposes of the "Colorado Regional Tourism Act" so that the increase is payable to the state and not an applicable financing entity.

APPROVED by Governor May 17, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1246 Regulation of food trucks - study. The act recognizes that food trucks are a fast-growing part of the Colorado economy, and that because food trucks are inherently mobile and operate in multiple locations, the regulation of food trucks at the local level creates unique issues requiring further study. State and regional organizations representing

local government may study the regulation of food trucks to identify areas of duplicate or conflicting regulation. The organizations may report to the business affairs and labor committee of the house and the business, labor, and technology committee of the senate on any findings or recommendations, including recommendations for future legislative solutions, by November 1, 2019.

APPROVED by Governor May 20, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1272 Colorado new energy improvement district - inclusion of housing authority property. The Colorado new energy improvement district (NEID) administers a commercial property assessed clean energy program through which an owner of eligible real property, which includes residential properties having at least 5 dwelling units (eligible property), may finance energy improvements to the eligible property by joining the NEID and agreeing to pay a NEID special assessment against the eligible property. A city, county, or multijurisdictional housing authority (housing authority) and its property, whether owned or leased, are generally exempt from the payment of special assessments to the state or any political subdivision of the state. The act clarifies that this exemption does not preclude a housing authority, an entity in which a housing authority has an ownership interest, or a lessor who leases real property to or from a housing authority from voluntarily applying to include eligible real property that it owns into the boundaries of the NEID and accepting the levying of a NEID special assessment against the eligible property.

APPROVED by Governor May 30, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1279 Training and testing restrictions with certain firefighting foams - restriction on sale of certain firefighting foams - notification of chemicals in protective equipment -survey. The act prohibits the use of class B firefighting foam that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS foam) for training purposes or for testing firefighting foam fire systems and creates a civil penalty for doing so.

The act also creates the "Firefighting Foams Control Act" (act) which:

- Prohibits the sale of PFAS foam in certain circumstances;
- Requires manufacturers of PFAS foam to notify sellers of the provisions of the act;
- Requires manufacturers to disclose whether the personal protective equipment they produce contains perfluoroalkyl and polyfluoroalkyl substances;
- Allows for the department of public health and environment to request a certificate of compliance from a manufacturer of class B firefighting foam or firefighting personal protective equipment to ensure that those manufacturers are complying with the limitations on the manufacture of PFAS foam as set forth in the act;
- Creates a civil penalty for violating the provisions of the act; and

- Requires the department of public health and environment to conduct a survey to determine the amount of PFAS foam currently held, used, and disposed of by fire departments.

APPROVED by Governor June 3, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1299 County, municipality, and other political subdivisions - retirement benefits plan or system for elected or appointed officers and employees - contribution rates. For any county, municipality, or other political subdivision (local government) or group of local governments that has established and maintains a plan or system (plan) of retirement benefits for its elected or appointed officers and its employees, the minimum contribution rate of participants in the plan is changed to 3% of the participant's basic salary or wage. In addition, the contribution rate of the local government and the contribution rate of the participant do not have to be the same, as was previously required, as long as the contribution rate for each is at least 3% of the participant's salary or wage.

APPROVED by Governor May 17, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

GOVERNMENT - MUNICIPAL

H.B. 19-1260 Building regulations - energy efficient building code standards required - reporting. The act requires local jurisdictions to adopt one of the 3 most recent versions of the international energy conservation code at a minimum, upon updating any other building code, and encourages local jurisdictions to update the Colorado energy office on any changes to the jurisdictions' building and energy codes.

APPROVED by Governor May 30, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

GOVERNMENT - SPECIAL DISTRICTS

H.B. 19-1047 Metropolitan district - fire protection - sales tax. A metropolitan district is authorized to levy a property tax to provide services; however, the district can also levy a sales tax for safety protection, street improvement, and transportation purposes. The act allows a metropolitan district to also levy a sales tax to provide fire protection in the areas of the district in which the sales tax is levied.

APPROVED by Governor March 21, 2019

EFFECTIVE August 2, 2019

H.B. 19-1052 Early childhood development service districts - creation - powers and duties. The act authorizes the creation of early childhood development service districts (districts) to provide services for children from birth through 8 years of age. Early childhood development services are defined to include early care and educational, health, mental health, and developmental services, including prevention and intervention. Districts are authorized to seek voter approval to levy property taxes and sales and use taxes in the district to generate revenues to provide early childhood development services.

The district must be organized pursuant to the "Special District Act" as modified by the act. All eligible electors in the proposed district, rather than only property owners, are able to vote on the organization of the district and related ballot issues. The service plan for a proposed district is not required to be submitted to the planning commission for each county in which the special district is proposed to be located, and instead is submitted directly to the board of county commissioners (board) for such counties. In addition, the board is not allowed accept or act upon the request of a person owning property in the proposed service area to have his or her property excluded from the special district. The court conducting a hearing for the petition is also directed to not accept or act upon such a petition to exclude property from the district. The districts are governed by the "Special District Act"; except that they are not subject to provisions concerning the inclusion or exclusion of property, procedures for the levy and collection of taxes, the certification and notice of special district taxes for general obligation indebtedness, property tax reduction agreements, and public improvement contracts.

A district is authorized to contract with or work with another district or other provider of early childhood development services to provide services throughout the district.

APPROVED by Governor April 3, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1213 Urban drainage and flood control - director compensation. A member of a board of directors of an urban drainage and flood control district is currently limited to receiving \$1,200 per year as compensation, not to exceed \$75 per meeting attended. The act changes these maximum amounts to be the same as the amounts allowed for directors of special districts generally, which is currently specified in statute as \$2,400 per year, not to exceed \$100 per meeting.

APPROVED by Governor April 25, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1284 Urban drainage and flood control district - board of directors. The urban drainage and flood control district is a special district created in statute to design and construct flood control and warning measures within portions of the metropolitan Denver area. The district is governed by a board of directors (board).

The act repeals a requirement that the board consist of 16 directors and a requirement that the board meet on the first business day of February each year. The act relocates a requirement that each director take an oath of office to a different statutory section.

APPROVED by Governor May 29, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

GOVERNMENT - STATE

S.B. 19-20 Wildland fires - aerial firefighting - patrolling airspace - appropriation. The center of excellence for advanced technology aerial firefighting is required, subject to available appropriations, to study and, if feasible, implement a system to patrol the airspace above wildland fires.

For the 2019-20 state fiscal year, \$350,000 is appropriated from the general fund to the department of public safety for use by the division of fire prevention and control.

APPROVED by Governor June 3, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-40 Colorado fire commission - creation - powers and duties - repeal - appropriation. The Colorado fire commission (commission) is created in the division of fire prevention and control in the department of public safety. The commission's purpose is to enhance public safety in Colorado through an integrated statewide process focused on the fire service's capacity to conduct fire management and use, preparedness, prevention, and response activities to safeguard lives, property, and natural resources, and increase the resiliency of local and regional communities. The commission is charged with developing an accurate understanding of Colorado's fire problems, reviewing the current emergency fire fund program, evaluating the funding mechanisms for effective response to large fires, assessing the capacity of the state to provide emergency fire support and technical expertise to local communities, developing performance measures of overall response effectiveness, strengthening statewide and regional coordination, developing best practice recommendations related to high-risk occupancies, developing and publishing an assessment of fire treatment costs and cost distribution, developing methodical approaches to Colorado's fire service concerns, and forecasting upcoming funding and resource challenges. The commission may establish task forces to study and make recommendations on specific subjects within the commission's areas of study. The commission is repealed, effective September 1, 2024, and is subject to a sunset review prior to its repeal.

The act appropriates \$174,183 to the department of public safety for use by the division of fire prevention and control for the implementation of the act.

APPROVED by Governor June 3, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-135 Procurement - source selection - disparity study. To ascertain whether disparities exist between the participation of historically underutilized businesses and other businesses in the state procurement system, the department of personnel is required to contract for a disparity study of the Colorado procurement process and to make recommendations to address any discrepancies identified by the study.

The final report including the findings and recommendations from the study must be

provided to the members of the general assembly and the executive director of the department of personnel (executive director) no later than December 1, 2020. The executive director is required to transmit a copy of the final report to the minority business office, which shall post the report on its official website. In addition, the executive director is required to include the findings and recommendations from the study in its report to the applicable house and senate committees of reference during its hearing pursuant to the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act".

Any entity that is subject to the disparity study is required to respond to a request for information in connection with the study as soon as possible after receiving the request.

\$650,000 is appropriated from the general fund to the department of personnel for use by the division of accounts and control. Any unexpended and unencumbered money from the appropriation remains available for expenditure by the department of personnel for the purposes of the disparity study in the next fiscal year without further appropriation.

APPROVED by Governor May 31, 2019

EFFECTIVE July 1, 2019

S.B. 19-138 Contract performance and payment bonds. Under current law, when a person, company, firm, corporation, or contractor (contractor) enters into a contract with a county, municipality, school district, or, in some instances, any other political subdivision of the state, to perform work in connection with a project that has specified characteristics, the contractor is required to execute performance bonds and payment bonds.

The act specifies that some of these bonding requirements apply to certain construction contracts situated or located on publicly owned property using public or private money or public or private financing.

APPROVED by Governor April 16, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-151 Emergency management - homeland security and all-hazards senior advisory committee - emergency planning subcommittee - continuation under sunset law. The act implements the recommendations of the department of regulatory agencies' sunset review and report on the emergency planning subcommittee by continuing the subcommittee.

APPROVED by Governor April 12, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-152 Emergency management - homeland security and all-hazards senior advisory committee - public safety communications subcommittee - continuation under sunset law. The act implements the recommendations of the department of regulatory agencies' sunset

review and report on the public safety communications subcommittee by continuing the subcommittee.

APPROVED by Governor April 12, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-157 Fire suppression - registration of contractors - inspection and maintenance of fire suppression systems - continuation under sunset law. The act continues the fire suppression programs of the division of fire prevention and control in the department of public safety for 7 years, until 2026.

APPROVED by Governor May 23, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-166 Peace officers - certification revocation - appropriation. The peace officers standards and training board (P.O.S.T. board), which certifies peace officers, is required to revoke the certification of a peace officer if:

- The P.O.S.T. board receives notification from a law enforcement agency that employs or employed the peace officer that the peace officer knowingly made an untruthful statement concerning a material fact or omitted a material fact on an official criminal justice record, while testifying under oath, or during an internal affairs investigation or comparable administrative investigation;
- The law enforcement agency certifies that it completed an administrative process, including any appeals process, defined by a published policy of the law enforcement agency and through that process, the law enforcement agency determined by a clear and convincing standard of the evidence that the officer knowingly made an untruthful statement concerning a material fact or knowingly omitted a material fact on an official criminal justice record, while testifying under oath, or during an internal affairs investigation or comparable administrative investigation; and
- The P.O.S.T. board notifies the officer that it has received the notification from the law enforcement agency and either the officer does not request a P.O.S.T. board hearing or the P.O.S.T. board has determined, after conducting a hearing requested by the officer, that the officer knowingly made the untruthful statement or omitted a material fact.

The law enforcement agency official submitting the notification to the P.O.S.T. board must attest, under penalty of perjury or revocation of the official's P.O.S.T. board certification, that the statements on the submitted notification form are true, correct, and complete.

A person whose P.O.S.T. certification is revoked may appeal the revocation in accordance with rules of the P.O.S.T. board and may seek judicial review pursuant to the "State Administrative Procedure Act".

The act appropriates \$40,056 to the department of law from the P.O.S.T board cash fund and 0.6 FTE for peace officers standards and training board support.

APPROVED by Governor May 22, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-169 Major information technology projects - submission of budget request to joint technology committee - inclusion of written business case - office of information technology project manager - baseline metrics - change management plan. For a budget request for a major information technology project (major IT project) submitted to the joint technology committee (JTC) for funding in the 2020-2021 state fiscal year or any state fiscal year thereafter, the office of state planning and budgeting is required to include in the budget request a written business case specifying certain information about the major IT project.

The office of information technology (office) is required to ensure that every major IT project has a project manager in the office who is regularly involved in the management of the project and who is required to develop, in coordination with the state agency that is a party to the contract (state agency), specified project baseline metrics to track the progress of the project. In addition, the office is required to develop, in cooperation with the applicable state agency, performance indicators to monitor the major IT project and quantitative critical success factors to track the success of the project.

The project manager is required to provide the baseline metrics, the performance indicators, the critical success factors, and a quarterly status report for each major IT project to the JTC. If the quarterly status report for a major IT project indicates that the project is unlikely to achieve the performance indicators established for the project, the office is required to place the project on a list for more intense monitoring. If the office determines that the major IT project is not in compliance with the established baseline metrics for the project, that the variances in the established performance indicators or success factors established for the project are intolerable, or that the project is otherwise in need of corrective action, the office is required to notify the applicable state agency of the its recommended corrective action for the project.

For budget requests for a major IT project submitted to the JTC for funding in the 2020-2021 state fiscal year or any state fiscal year thereafter, a governmental body is required to provide for a change management plan, including specified information and the resources necessary for the execution of the change management plan. Governmental bodies are required to seek best practices with private- or public-sector experts when appropriate to develop and implement change management plans and are required to provide written change management plans to the JTC and the office of state planning and budgeting.

VETOED by Governor May 31, 2019

S.B. 19-173 Colorado secure savings plan - board - studies and analyses - report - appropriation. The Colorado secure savings plan board (board) is established to study the

feasibility of creating the Colorado secure savings plan and other appropriate approaches to increase the amount of retirement savings by Colorado's private sector workers. The board consists of the state treasurer or the treasurer's designee and 8 additional trustees with certain experience who are appointed by the governor. The board is required to conduct the following 4 analyses or assessments by a specified date:

- A detailed market and financial analysis to determine the financial feasibility and effectiveness of creating a retirement savings plan in the form of an automatic enrollment payroll deduction IRA, to be known as the Colorado secure savings plan;
- A detailed market and financial analysis to determine the financial feasibility and effectiveness of a small business marketplace plan to increase the number of Colorado businesses that offer retirement savings plans for their employees;
- An analysis of the effects that greater financial education among Colorado residents would have on increasing their retirement savings; and
- An analysis of the effects that not increasing Coloradans' retirement savings would have on current and future state and local government expenditures.

The board may accept any gifts, grants, and donations, or any money from public or private entities to pay for the costs of the analyses. The board may delay implementation of one or more of the analyses if it does not obtain adequate money to conduct the analyses. If after conducting the analyses, the board finds that there are approaches to increasing retirement savings for private sector employees in a convenient, low-cost, and portable manner that are financially feasible and self-sustaining, the board is required to recommend a plan to implement its findings to the governor and the general assembly.

For the 2019-20 state fiscal year, \$800,000 from the general fund is appropriated to the department of the treasury for the purpose of conducting the analyses or assessments, including operating expenses.

APPROVED by Governor May 20, 2019

EFFECTIVE May 20, 2019

S.B. 19-196 Procurement - construction bidding for public projects - apprenticeship utilization requirements - prevailing wage requirements. The general contractor for a public project that does not receive federal money, including an integrated project delivery contract, in the amount of \$1 million or more, is required to submit, at the time the mechanical, electrical, or plumbing subcontractor is put under contract, documentation to the contracting agency that:

- Identifies the contractors or subcontractors that will be used for specified aspects of the public project; and
- Certifies that all firms identified participate in apprenticeship programs registered with the United States department of labor's employment and training administration or state apprenticeship councils recognized by the United States department of labor and have a proven record of graduating apprentices at specified rates.

The contracting agency is required to make the documentation available to the public on its website. After evaluating submitted bids, a contracting agency may waive the

apprenticeship utilization requirements if there is substantial evidence that there were no responsive, eligible subcontractors available to fulfil the mechanical, electrical, or plumbing portions of the contract. A contracting agency is required make public all waivers and the specific rationale for granting the waiver. An apprenticeship program that does not satisfy the specified apprenticeship program requirements may petition the department of labor and employment for conditional approval under specified circumstances. The apprenticeship utilization requirements do not apply to the department of transportation.

Any contractor who is awarded a contract for a public project, including an integrated project delivery contract, by an agency of government for \$500,000 or more, and any subcontractors working on the public project, are required to pay their employees a prevailing wage at weekly intervals and are required to comply with prevailing wage enforcement provisions. This requirement does not apply to contracts that include federal money and does not apply to the department of transportation; except that the department of transportation is required to pay employees performing work on public projects, regardless of the amount of funding source of the project, in accordance with the federal "Davis-Bacon Act".

Before awarding a contract for a public project, an agency of government is required to obtain the general prevailing rate of the regular, holiday, and overtime wages paid and the general prevailing payments on behalf of employees to lawful welfare, pension, vacation, apprentice training, and education funds in the state (wages) for each employee needed to execute the contract for the public project.

An agency of government is required to specify in the competitive solicitation for a public project and in the contract for such public project the general prevailing rate of the wages paid in the geographic locality for each employee needed to execute the contract. The contract is also required to include other specified information regarding the payment of wages. If the contractor or subcontractor fails to pay wages as are required by the contract, the contracting agency of government is not allowed to approve a warrant or demand for payment to the contractor until the contractor provides evidence that the wages have been paid.

The executive director of the department of personnel is required to determine the applicable prevailing wage for public projects and is required to use appropriate wage determinations issued by the United States department of labor in accordance with the federal "Davis-Bacon Act" to establish the prevailing wage rates for the applicable trades or occupation for the geographic locality of the public project.

Each contractor awarded a contract for a public project and each subcontractor who performs work on the public project is required to post in conspicuous places on the job site posters that contain the current prevailing rate of wages to execute the contract and the rights and remedies of any employee for nonpayment of any wages earned. The executive director of the department of personnel is required to provide the posters to contractors and subcontractors.

The executive director of the department of personnel is required to establish a separate apprenticeship contribution rate under the prevailing wage requirements.

Enforcement provisions, overseen by the department of labor and employment, are implemented for violations of the prevailing wage requirements. An employee or former employee of a contractor or subcontractor is allowed to bring a civil action for a violation of

the prevailing wage requirements.

APPROVED by Governor May 28, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-208 General fund transfer - state employee reserve fund. The act requires the state treasurer to transfer \$23 million from the state employee reserve fund to the general fund on July 1, 2019.

APPROVED by Governor May 3, 2019

EFFECTIVE May 3, 2019

S.B. 19-213 Marijuana cash fund - marijuana tax cash fund - transfers. The act requires the state treasurer to make 2 transfers from the marijuana cash fund to the marijuana tax cash fund. On July 1, 2019, the state treasurer will transfer \$914,416, and on July 1, 2020, the state treasurer will transfer \$890,901.

APPROVED by Governor May 3, 2019

PORTIONS EFFECTIVE July 1, 2019
PORTIONS EFFECTIVE January 1, 2020

NOTE: Specific provisions of the act are contingent on Senate Bill 19-224 becoming law. Senate Bill 19-224 was signed by the governor May 29, 2019.

S.B. 19-214 Capital-related transfers of money. For the 2019-20 state fiscal year, the act transfers:

- \$90,695,989 from the general fund to the capital construction fund;
- \$42 million from the general fund to the controlled maintenance trust fund;
- \$12,342,676 from the general fund to the information technology capital account of the capital construction fund;
- \$500,000 from the general fund exempt account of the general fund to the capital construction fund; and
- \$1 million from the preservation grant program account of the state historical fund to the capital construction fund for repainting of the interior of the dome of the state capitol building.

APPROVED by Governor May 3, 2019

EFFECTIVE May 3, 2019

S.B. 19-248 Legislative services - director of research of the legislative council - state tax system working group - report - appropriation. The director of research of the legislative council, in coordination with the other nonpartisan legislative staff agencies, the department of revenue, the department of personnel, and the governor's office of information technology, is required to convene a state tax system working group (working group) to meet during the interim following the first regular session of the seventy-second general assembly and to

conduct an analysis of the state tax system used by the department of revenue.

The working group is authorized to solicit input from any additional interested parties, as deemed necessary and appropriate by the working group. The working group is required to provide a progress report regarding its work to the joint technology committee and the joint budget committee and to submit a report of its findings and recommendations in connection with the state tax system to the joint technology committee, the joint budget committee, and the finance committees of the house of representatives and the senate.

For the 2019-20 state fiscal year, \$44,552 is appropriated from the general fund to the legislative department and \$30,000 is appropriated from the general fund to the department of revenue for the purposes of the working group.

APPROVED by Governor May 23, 2019

EFFECTIVE May 23, 2019

S.B. 19-251 Office of information technology - major information technology projects - change management plans - policy for use of external vendors - communications and stakeholder management plan - working groups - appropriation. The office of information technology (office) is required to take actions as recommended by an evaluation of the state's information technology (IT) resources. Specifically, the office is required to:

- Include in the project plan for every major IT project a change management plan developed in collaboration with the state agency that undertakes the major IT project;
- Develop a policy for the office's use of external vendors, including the statewide internet portal authority, in delivering electronic information, products, and services;
- Develop and implement a communications and stakeholder management plan for interacting with any governmental unit of the executive, legislative, or judicial branch of state government that is billed for the use of the services provided by the office and to solicit feedback to determine if the communications and stakeholder management plan is increasing satisfaction with the services provided by the office;
- Convene a working group of state agencies to develop and implement a strategic plan for how state agencies use technology to provide services, data, and information to citizens and businesses; and
- Convene a working group of state agencies to determine the cost and feasibility of transferring ownership of IT infrastructure from state agencies to the office. The office is required to submit a report to the joint budget committee and the joint technology committee regarding the necessary statutory and rule changes and funding to implement the transfer of ownership of IT infrastructure if the working group finds that it would be in the state's best interest to implement such a transfer.

The office is required to enlist vendor services in the development of the communications and stakeholder management plan, the plan for how state agencies use technology to interface with citizens and businesses, and the plan to transfer ownership of IT infrastructure.

For the 2019-20 state fiscal year, \$775,000 is appropriated to the office of the governor from the general fund for use by the office of information technology for central administration and project management.

APPROVED by Governor May 23, 2019

EFFECTIVE May 23, 2019

S.B. 19-253 Office of information technology - state agency definition - department of education excluded. The department of education is excluded from the definition of "state agency" as used in the office of information technology (office) provisions. Although the department of education is not a state agency for purposes of the office, the chief information officer may enter into contracts with the department of education for the purpose of providing disaster recovery services.

APPROVED by Governor May 23, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1012 Capital construction - controlled maintenance - state architect - flexibility in administering payment of certain projects. The act grants the state architect, through the executive director of the department of personnel, flexibility in administering the payment of certain controlled maintenance projects from the proceeds of the lease-purchase agreements executed as required by Senate Bill 17-267, concerning the sustainability of rural Colorado.

APPROVED by Governor March 11, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1060 Department of public health and environment - fire safety - life safety - rule-making authority - repeal. The act repeals statutory provisions that require the department of public health and environment (department) to adopt rules relating to fire safety of health facilities and allow the department to establish a life safety code for health facilities, because these functions were transferred to the department of public safety.

APPROVED by Governor February 28, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1062 Grand Junction regional center campus - department of human services - authority to either list all or a portion of the campus for sale or transfer. Current law requires the department of human services to list the Grand Junction regional center campus for sale. The act gives the department of human services other options by authorizing the department to either list all or a portion of the Grand Junction regional center campus for sale or to enter into a contract to transfer all or a portion of the campus to a state institution of higher

education, to a local government, or to a state agency interested in its acquisition. Such transfer would, according to current statute, be required to be reviewed by the capital development committee.

APPROVED by Governor March 7, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1073 Law enforcement, public safety, and criminal justice information sharing grant program - creation - grant requirements - appropriation. The act creates the law enforcement, public safety, and criminal justice information sharing grant program (grant program) within the division of homeland security and emergency management (division) in the department of public safety. The grant program provides grants to assist local law enforcement agencies in gaining access to the information-sharing system created by the Colorado information sharing consortium (CISC). Grant recipients can use the money to pay for computer hardware, software, and programming costs necessary to connect to CISC's information-sharing systems. As a condition of each grant, the grant recipient and CISC are required to ensure that the information systems comply with federal data security requirements, and that the law enforcement data and intelligence information that is shared complies with federal regulations governing the use of criminal justice information systems. The director of the division is required to promulgate rules for the administration of the grant program. The act creates the law enforcement, public safety, and criminal justice information sharing grant program fund (fund). The program and fund are repealed effective July 1, 2022.

The act appropriates \$500,000 to the fund from the marijuana tax cash fund for use by the division for the implementation of the act.

APPROVED by Governor May 28, 2019

EFFECTIVE May 28, 2019

H.B. 19-1078 Register of historic places - approval of multiple property documentation form - state historical society - requirement that applicant obtain consent of affected landowners. Prior to taking any action to approve a multiple property documentation form (form) or to request the approval of the keeper of the national register of historic places of an executed form, the act requires the state historical society to require the applicant to obtain the consent, evidenced by a signature, of each owner of the land and property included within the region of lands described in the form who provided any information or granted access to their land or property.

APPROVED by Governor April 12, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1080 Small game hunting and fishing license - columbine annual pass - property tax work-off program - first responders with a permanent occupational disability. The act grants first responders with a permanent occupational disability free lifetime small game hunting and fishing licenses and a free columbine annual pass for entrance into state parks.

The act also allows first responders with a permanent occupational disability to be eligible to participate in a property tax work-off program established by a taxing entity.

APPROVED by Governor May 20, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1085 Property tax and rent assistance grant - heat assistance grant - expansion - increase. A low-income senior or individual with a disability is currently eligible for 2 types of annual state assistance grants administered by the department of revenue related to his or her property: A grant for their property taxes or rent paid, with the latter being deemed a tax-equivalent payment (property tax and rent assistance grant), and a grant for heat or fuel expenses (heat assistance grant). Together these are commonly known as the "PTC" rebate.

The act expands the property tax and rent assistance grant by repealing the requirement that rent must be paid to a landlord that pays property tax. For both types of grants allowed under the PTC rebate program, the act increases the:

- Maximum grant amounts;
- Phase-out amounts, which are the income levels at which a person's maximum grant begins to decrease; and
- Flat grant amounts, which are the minimum grant amounts assuming that the actual expenses exceed them.

All of these amounts will also continue to be adjusted for inflation in the future. Obsolete provisions relating to grants claimed for past years are repealed and other provisions relating to grants prior to 2019 are repealed after they become obsolete in the future.

APPROVED by Governor May 20, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1119 Open records - peace officer internal investigation file. The act makes an internal investigation file (file) of a peace officer for in-uniform or on-duty conduct that involves a member of the public subject to an open records request. The act requires some information to be redacted and allows other information to be redacted before complying with the open records request. The act allows the custodian of the file to first provide a summary of the file to the requester and then allows the requester access to the file after the requester has reviewed the summary. Under the act, a custodian of a file in which there is an ongoing criminal case can deny inspection of the file. The file becomes open for inspection after all the charges are dismissed or the defendant is sentenced.

The act allows a person who has been denied access to any information in a completed internal affairs investigation file to file an application in court to show cause why the withheld or redacted information should not be made available to the applicant. If the court determines, based on its independent judgment, applying de novo review, that any portion

or portions of the completed internal affairs investigation file were improperly withheld, the court shall order the custodian to provide the applicant with a copy of those portions that were improperly withheld.

The act applies to files of internal investigations that were started after April 12, 2019.

APPROVED by Governor April 12, 2019

EFFECTIVE April 12, 2019

H.B. 19-1124 Federal immigration enforcement - no arrest based on civil detainer - no personal information to immigration authorities from probation - advisement before immigration interview. The act allows a law enforcement officer or employee to cooperate or assist federal immigration enforcement authorities in the execution of a warrant issued by a federal judge or magistrate or honoring any writ issued by any state or federal judge concerning the transfer of a prisoner to or from federal custody.

The act prohibits a law enforcement officer from arresting or detaining an individual solely on the basis of a civil immigration detainer.

The act prohibits a probation officer or probation department employee from providing an individual's personal information to federal immigration authorities.

If a law enforcement officer is coordinating a telephone or video interview between federal immigration authorities and an individual in jail or another custodial facility, the individual must be advised that:

- The interview is being sought by federal immigration authorities;
- The individual has the right to decline the interview and remain silent;
- The individual has the right to speak to an attorney before submitting to the interview; and
- Anything the individual says may be used against him or her in subsequent proceedings, including in a federal immigration court.

APPROVED by Governor May 28, 2019

EFFECTIVE May 28, 2019

H.B. 19-1127 Lieutenant governor - office of saving people money on health care - director. Under current law, the lieutenant governor is authorized to concurrently serve as the head of a principal department while serving as the lieutenant governor. The act expands this to allow the lieutenant governor to alternatively serve as the director of the office of saving people money on health care within the office of the governor. The act further specifies the salary to be paid for working concurrently in this position.

APPROVED by Governor May 28, 2019

EFFECTIVE May 28, 2019

H.B. 19-1136 State auditor - access to records or other information for audits of specified entities that are not state agencies - criminal liability and penalties for willful and knowing premature disclosure of contents of such audits. Under current law, the state auditor (auditor) generally has access at all times to all of the books, accounts, reports, vouchers, or other records or information in any state department, institution, or agency that is the subject of a

performance or financial audit the auditor conducts. The act extends the same authority to performance or financial audits the auditor conducts of:

- The Colorado new energy improvement district and the new energy improvement program;
- The use of money in the state historical fund that is used for the preservation and restoration of the cities of Central, Black Hawk, and Cripple Creek;
- The health benefit exchange; and
- Community-centered boards.

The authority of the auditor or his or her designated representative to access books, accounts, reports, vouchers, or other records or information provided in connection with the audit of the use of money in the state historical fund terminates on the date the final audit report is released by the legislative audit committee.

Under current law, any state employee or other individual acting in an oversight role as a member of a state committee, board, or commission who willfully and knowingly discloses the contents of any report prepared by or at the direction of the auditor prior to the release of such report by a majority vote of the legislative audit committee is guilty of a misdemeanor and, upon conviction, shall be punished by a fine. The act extends the same criminal liability and penalty to any employee or other individual acting in an oversight role with respect to any audit of an entity, program, or use of money specified in the act.

APPROVED by Governor March 11, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1179 Legal investment of public funds - definitions. The act defines a nationally recognized statistical rating organization as a credit rating agency that is registered with the U.S. securities and exchange commission's office of credit ratings and defines a negotiable certificate of deposit as an unsecured noncollateralized obligation of a bank to pay the holder of a negotiable certificate of deposit specified principal, plus interest, upon a particular maturity.

The act also modifies statutes governing the legal investments of public funds as follows:

- Modifies and standardizes the credit rating requirements for securities invested in by public entities;
- Requires money market funds invested in by public funds to have an investment policy or objective that seeks to maintain a stable net asset value of one dollar per share;
- Requires rating requirements to first apply to the security being purchased by a public entity and, if there is no such rating, to then apply to the issuer;
- Clarifies that negotiable certificates of deposit are a legal investment and not deposits subject to the limitation of the "Public Deposit Protection Act";
- Includes the secured overnight financing rate, the federal funds rate, or other reference rates that are similar to the United States dollar London interbank offer rate, the secured overnight financing rate, and the federal funds rate as

- permissible reference rates; and
- Allows public entities to invest in local government investment pools.

APPROVED by Governor May 23, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1197 Child welfare caseworkers - prohibition on posting caseworkers' personal information on the internet if threat to caseworker - removing caseworkers' personal information in government records if threat to caseworker. The act defines caseworker (caseworker) to include a state or county employee and county attorney who is engaged in investigating or taking legal action regarding allegations of child abuse or neglect.

The act makes it unlawful for a person to knowingly make available on the internet personal information of a caseworker or a caseworker's family if the dissemination of the personal information poses an imminent and serious threat to the safety of the caseworker or the caseworker's family and the person disseminating the information knew or should have known of the imminent and serious threat. Violation of the provision is a class 1 misdemeanor.

A state or local government official (official) shall remove the personal information of the caseworker or the caseworker's immediate family contained in records that the official makes available on the internet if the caseworker submits a request with an affidavit asserting under penalty of perjury that the dissemination of the personal information poses an imminent and serious threat to the caseworker or the caseworker's immediate family. The official is also required to deny a request for inspection under the "Colorado Open Records Act" for personal information contained in those same records.

APPROVED by Governor April 11, 2019

EFFECTIVE April 11, 2019

H.B. 19-1198 Electric vehicle grant fund - administration. The act modifies the statute governing the electric vehicle grant fund (fund) as follows:

- Allows the fund to be used to administer grants for the installation of charging stations for electric vehicles;
- Allows the fund to prioritize the grants it will provide based on criteria defined by the Colorado energy office;
- Allows the fund to be used to fully fund the installation of charging stations and offset station operating costs; and
- Requires the money in the fund to be continuously appropriated to the Colorado energy office.

APPROVED by Governor April 17, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1217 Public employees' retirement association - employer contribution rates - local government division. The 2% increase in the member contribution rate for members in the local government division of the public employees' retirement association that was enacted during the 2018 legislative session is eliminated.

APPROVED by Governor May 20, 2019

EFFECTIVE May 20, 2019

H.B. 19-1239 Census outreach grant program - department of local affairs - division of local government - appropriation. The 2020 census outreach grant program (grant program) is created in the division of local government (division) in the department of local affairs (department) to provide grants to local governments, intergovernmental agencies, councils of government, housing authorities, school districts, nonprofit organizations, the Southern Ute Indian Tribe, and the Ute Mountain Ute Tribe (eligible recipients) to support the accurate counting of the population of the state for the 2020 census.

The department, in coordination with the grant program committee (committee), which is also created in the division, is required to implement and administer the grant program and to develop policies and procedures necessary for such implementation and administration. The committee consists of 5 members, one of whom is appointed by the secretary of state and 4 of whom are appointed, one each, by the speaker of the house of representatives, the president of the senate, and the minority leaders of the house of representatives and the senate, although such appointees may not be members of the general assembly.

Eligible recipients may use grant money to conduct 2020 census outreach, promotion, and education to focus on hard-to-count communities in the state and to increase the self-response rate and accuracy of the 2020 census. Eligible recipients may also use grant money to further award grants to other local governments, intergovernmental agencies, councils of government, housing authorities, school districts, or nonprofit organizations.

To receive a grant, an eligible recipient must submit an application to the department in accordance with the policies and procedures developed by the department. The committee is required to review the applications received and to make recommendations to the department regarding which grant applications to approve. In developing its recommendations, the committee is required to consider whether the eligible recipient will be conducting outreach in hard-to-count communities and the size and geographic and demographic diversity of the hard-to-count communities in which outreach, education, and promotion of the 2020 census will occur as provided by all eligible recipients that receive grant money.

The department is required to award grants for the purposes of the grant program on or before November 1, 2019, and to distribute the grant money to eligible recipients that were awarded grants within 30 days after the grants are awarded. In addition to money appropriated by the general assembly, the department may solicit, accept, and expend gifts, grants, or donations from private or public sources for the purposes of the grant program.

Each eligible recipient that received a grant through the grant program is required to submit 2 reports to the department including information to be determined by the department. The department is required to submit 2 reports to the local government committees of the senate and the house of representatives, or any successor committees, and to the governor

regarding the census outreach conducted through the grant program.

On or before May 1, 2026, and on or before May 1 every 10 years thereafter, the department and the office of the governor are required to develop a strategic action plan, including a discussion of necessary funding for the plan, for outreach and promotion for a successful count of the population in Colorado during the upcoming decennial census.

For the 2019-20 state fiscal year, \$6 million from the general fund is appropriated to the department for use by the division for the direct and indirect costs of administering the grant program.

APPROVED by Governor May 23, 2019

EFFECTIVE May 23, 2019

H.B. 19-1248 Regulation of lobbyists - clarification of term "client" - heightened disclosure requirements - secretary of state to convene working group to consider upgrades to electronic filing system used by lobbyists - appropriation. The act clarifies that the term "client" used in connection with statutory provisions regulating lobbyists means the person who employs or retains the professional services of one or more lobbyists to undertake lobbying on behalf of that person. The act also clarifies that a professional lobbyist is not, for purposes of the statute, a client of either a lobbying firm or any other person that employs or retains one or more professional lobbyists to undertake lobbying on behalf of one or more clients.

The act clarifies that existing provisions that require heightened disclosure when a lobbyist enters into an agreement to engage in lobbying apply when the general assembly is in regular or special session.

In addition to any other disclosure, during the period that the general assembly is in regular or special session, the act also requires a professional lobbyist to notify the secretary of state (secretary) by means of the electronic filing system within 72 hours after:

- The lobbyist agrees to undertake lobbying in connection with new legislation, standards, rules, or rates for either a new or existing client of the lobbyist; or
- The lobbyist takes a new position on a new or existing bill for a new or existing client of the lobbyist.

During this period, where the lobbyist agrees to undertake lobbying in connection with new or existing legislation for either a new or existing client, the disclosure required by the act includes the bill number of the legislation at issue and whether the lobbyist's client is supporting, opposing, amending, or monitoring the legislation at the time the lobbyist agrees to undertake lobbying in connection with the legislation or takes a new position.

The act also states that an attorney who is a professional lobbyist may not decline to disclose his or her lobbying as such lobbying is required to be disclosed on the grounds that the lobbying is protected against disclosure as confidential matters between an attorney and a client.

In connection with any requirement under existing law to disclose the identity of a client, a professional lobbyist who is a natural person and who is employed or retained by a lobbying firm or any other firm or entity may disclose the name of the lobbying firm or other person or entity by means of which, or under the name of which, a professional lobbyist does

business, but to satisfy such disclosure requirement the lobbyist is also required to disclose the name of the client who employs or retains the professional services of the lobbyist, or a lobbying firm or any other person or entity that employs or retains the lobbyist, to undertake lobbying on its behalf.

The act also requires the secretary to convene a working group to consider upgrades to the electronic filing system used by lobbyists to file their disclosure reports. The act specifies the mission of the working group and requirements affecting its organization and membership. The working group is required to report its conclusions to the general assembly.

For the 2019-20 state fiscal year, the act appropriates \$38,160 to the department of state from the department of state cash fund for use by the information technology division.

APPROVED by Governor May 20, 2019

EFFECTIVE May 20, 2019

H.B. 19-1257 Excess state revenues - retain and spend - voter-approved revenue change - November 2019 election - public schools, higher education, and roads, bridges, and transit - annual audit. Contingent on voters' approval at the statewide election held on November 5, 2019, the act authorizes the state to annually retain and spend all state revenues in excess of the constitutional limitation on state fiscal year spending that it would otherwise be required to refund. An amount of money equal to the state revenues so retained is designated as part of the general fund exempt account and the general assembly is required to appropriate or the state treasurer is required to transfer this money to provide funding for:

- Public schools;
- Higher education; and
- Roads, bridges, and transit.

The state auditor is required to contract with a private entity to annually conduct a financial audit regarding the use of the money that the state retains and spends under this measure.

Adopted by the General Assembly: April 29, 2019

NOTE: On November 5, 2019, the secretary of state shall submit this act by its ballot title to the registered electors of the state for their approval or rejection. Except as otherwise provided in section 1-40-123, Colorado Revised Statutes, if a majority of the electors voting on the ballot title vote "Yes/For", then the act will become part of the Colorado Revised Statutes.

H.B. 19-1258 Retained excess state revenues - public schools, higher education, and roads, bridges, and transit - further allocation. The act is contingent on voters approving a related referred measure to annually retain and spend state revenues in excess of the constitutional spending limit. The act requires 1/3 of this money in the account to be allocated for each of the following purposes:

- Public schools;
- Higher education; and

- Roads, bridges, and transit.

The general assembly is required to appropriate the money for public schools and higher education for the state fiscal year after the state retains the revenue under the authority of the voter-approved revenue change. The money appropriated for public schools must be distributed on a per pupil basis and used by public schools only for nonrecurring expenses for the purpose of improving classrooms, and it may not be used as part of a district reserve.

The state treasurer is required to transfer the remaining 1/3 of the money to the highway users tax fund (HUTF), and this money is further allocated 60% to the state highway fund, 22% to counties, and 18% to cities and incorporated towns. No more than 85% of the money allocated to the state highway fund may be expended for highway purposes or highway-related capital improvements and at least 15% must be expended for transit purposes or for transit-related capital improvements.

APPROVED by Governor June 3, 2019

EFFECTIVE June 3, 2019

H.B. 19-1292 Emergency management - resiliency office - continuation - appropriation. The act continues the Colorado resiliency office, which administers the resiliency and community recovery program as part of the state's disaster recovery and response functions. The requirement that the office be funded solely through grant funding is repealed, making general funds available to pay for the work of the office. The office is repealed effective September 1, 2022, and is scheduled for a sunset review prior to its repeal.

The act appropriates \$249,454 to the department of local affairs from the implementation of the act.

APPROVED by Governor May 16, 2019

EFFECTIVE May 16, 2019

H.B. 19-1306 Department of labor and employment - Colorado call center jobs - workforce data. The department of labor and employment is required to include, as part of its annual presentation to its legislative committee of reference at a hearing held pursuant to the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act", data that it currently collects regarding the call center work force, including tracking call center jobs and wage analysis of customer service employees.

APPROVED by Governor May 28, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1319 List of nondeveloped real property - submission to capital development committee - report to general assembly - property tax - modification to administration of existing property tax exemption - certain affordable housing developments. Not later than October 15, 2019, the act requires each state agency and state institution of higher education to submit to the capital development committee (committee) a list of all nondeveloped real property owned by or under the control of the agency or institution. The act defines

"nondeveloped real property" to mean unimproved real property that is not otherwise protected for or dedicated to another use such as an access or a conservation easement.

Not later than October 15 of each year thereafter, the act requires each agency or institution to submit to the committee any additions or deletions to the list identifying any nondeveloped real property the agency has acquired or disposed of during the preceding state fiscal year. The committee is required to include this information in an annual report published on the website of the general assembly. The division of housing within the department of local affairs (division) is required to provide a link to the report on the division's website. The act exempts the division of parks and wildlife in the department of natural resources from these requirements.

On a page on the website maintained by the department of local affairs that is dedicated to the division, the act requires the division to provide a link to the annual report that includes information on nondeveloped real property owned by or under the control of each state agency or institution of higher education. Not later than once annually by December 31 of each year, the division is required to update this link.

Under current law, certain property is exempt from the levy and collection of the real property tax if the property is owned by:

- A nonprofit corporation, the earnings of which do not inure to a private shareholder, and the property is irrevocably dedicated to charitable, religious, or hospital purposes; or
- A nonprofit corporation that is a general partner of a partnership formed for the purpose of creating or maintaining affordable housing.

The statutory provisions that allow for the property tax exemption for a partnership satisfying the requirements of the exemption do not apply if, during a specified compliance period, the partnership which owns the residential structure distributes income or has income available for distribution to its partners or if the residential structure is sold or otherwise disposed of during the compliance period. If the property tax administrator (administrator) determines that income has been distributed or has been available for distribution or the residential property has been sold or otherwise disposed of, the administrator is required to revoke the property tax exemption for the residential property and to levy and collect property tax against the residential property, which would have otherwise been levied and collected from the date on which the exemption was initially granted plus all delinquent interest as provided for by law.

For property tax years commencing on or after January 1, 2019, if the administrator determines that income has been distributed or has been available for distribution or the residential property has been sold or otherwise disposed of, the administrator is required to either revoke the property tax exemption for the residential property as of the date income becomes available for distribution or terminate the exemption as of the date the property is transferred. Under the act, the administrator is no longer required in such circumstances to levy and collect property taxes that otherwise would have been levied and collected.

APPROVED by Governor May 17, 2019

EFFECTIVE September 1, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1322 Transfer of money from unclaimed property trust fund to housing development grant fund - expansion of permitted uses of money in housing development grant fund. Assuming certain conditions are satisfied affecting the state's fiscal situation, the act requires the state treasurer to transfer \$30 million commencing with the 2020-21 state fiscal year and through and including the 2022-23 state fiscal year from the unclaimed property trust fund to the division of housing in the department of local affairs (division) to be deposited by the division into the housing development grant fund (housing fund) to finance the uses described in the statute.

For each state fiscal year that a transfer is not made, the act specifies that the last year in which a transfer may be made is extended for an additional state fiscal year. The act prohibits any transfer permitted from being made in more than 3 total state fiscal years.

The act makes updates that are technical in nature to statutory provisions governing the division.

In addition to the other sources of money to be deposited into the housing fund, the act specifies that the housing fund also consists of money transferred by the state treasurer from the unclaimed property trust fund to the division to be deposited into the housing fund to supplement existing money in such fund to be expended for any of the purposes specified in the act. The act also expands the permitted uses of money in the housing fund.

Subject to the limitation on the percentage of money appropriated from the housing fund that may be expended for the administrative costs of the division in administering the housing fund, the act authorizes the division to expend money from the housing fund to hire and employ individuals in order to fulfill its purposes.

APPROVED by Governor May 17, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1331 Evidence-based practices implementation for capacity resource center - collaboration partners. In the division of criminal justice in the department of public safety there is the evidence-based practices implementation for capacity resource center (center). The center's role is to develop and sustain effective implementation frameworks to support the use of evidence-based practices for both juvenile and adult populations in the criminal justice system. Current law requires the center to collaborate with the department of public safety, the department of corrections, the department of human services, and the judicial department. The act removes the limit on the departments with which the center can collaborate.

APPROVED by Governor May 23, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

HEALTH AND ENVIRONMENT

S.B. 19-1 Medication-assisted treatment expansion pilot program - extension - administration - additional counties to participate - funding increase - appropriation. In 2017, the general assembly enacted Senate Bill 17-074, concerning the creation of a pilot program in certain areas of the state experiencing high levels of opioid addiction to award grants to increase access to addiction treatment, which created a 2-year medication-assisted treatment (MAT) expansion pilot program, administered by the university of Colorado college of nursing, to expand access to medication-assisted treatment to opioid-dependent patients in Pueblo and Routt counties and directed the general assembly to appropriate \$500,000 per year for the 2017-18 and 2018-19 fiscal years from the marijuana tax cash fund to the university of Colorado board of regents for allocation to the college of nursing to implement the pilot program. The 2017 act also scheduled the pilot program for repeal on June 30, 2020.

The act:

- Expands the pilot program to the counties in the San Luis valley and 2 additional counties in which a need is demonstrated;
- Shifts responsibility to administer the pilot program from the college of nursing to the center for research into substance use disorder prevention, treatment, and recovery support strategies;
- Adds representatives from the San Luis valley and any other counties selected to participate in the pilot program and members from the boards of county commissioners from participating counties to the advisory board that assists in administering the program;
- Increases the annual appropriation for the pilot program to \$2.5 million for the 2019-20 and 2020-21 fiscal years; and
- Extends the program an additional 2 years.

The act appropriates \$2.5 million from the marijuana tax cash fund to the department of higher education for use by the board of regents of the university of Colorado to allocate to the center for research into substance use disorder prevention, treatment, and recovery support strategies for the MAT expansion pilot program.

APPROVED by Governor May 14, 2019

EFFECTIVE May 14, 2019

S.B. 19-5 Prescription drugs - Canadian prescription drug importation program - federal approval - eligible importers and suppliers - eligible prescription drugs - distribution requirements - reports - rules - appropriations. The act creates the "Canadian Prescription Drug Importation Program" (program) in the department of health care policy and financing (department). On or before September 1, 2020, the department shall submit a request to the United States secretary of health and human services for approval of the program. The department shall begin operating the program not later than 6 months after receiving such approval. The department may expend money for the purpose of requesting approval of the program, but the department cannot spend any other money to implement the program until the department receives approval of the program.

Upon receiving approval of the program, the department shall contract with 1 or more

vendors to provide services under the program. Each vendor, in consultation with the department and any other vendors, shall establish a wholesale prescription drug importation list (importation list) that identifies the prescription drugs that have the highest potential for cost savings to the state. Each vendor shall revise the list at least annually and at the direction of the department. The department shall review the importation list at least every 3 months to ensure that it continues to meet the requirements of the program. The department may direct a vendor to revise the list, as necessary.

Each vendor shall:

- Identify, in consultation with the department, Canadian suppliers who are in full compliance with relevant Canadian federal and provincial laws and regulations and who have agreed to export prescription drugs identified on the importation list;
- Verify that such Canadian suppliers meet the requirements of the program and will export prescription drugs at prices that provide cost savings to the state;
- Contract with such eligible Canadian suppliers, or facilitate contracts between eligible importers and Canadian suppliers, to import prescription drugs under the program;
- Assist the department in developing and administering a distribution program within the program;
- Assist the department with the preparation of an annual report and provide any information requested by the department for the report;
- Ensure the safety and quality of drugs imported under the program;
- Maintain a list of all eligible importers that participate in the program;
- Ensure compliance with the federal "Drug Quality and Security Act" by all Canadian suppliers, eligible importers, distributors, and other participants in the program;
- Provide an annual financial audit of its operations to the department;
- Provide to the department quarterly financial reports specific to the program, which reports must include information concerning the performance of the vendor's subcontractors and vendors;
- Submit evidence of a surety bond in an amount of at least \$25,000 with any bid or initial contract negotiation documents and maintain documentation of evidence of the surety bond with the department throughout the contract term; and
- Maintain the information and documentation submitted to the department for at least 7 years.

The act imposes certain requirements for drugs that are imported under the program, and the act prohibits certain drugs from being imported under the program.

The act states that the following entities are eligible importers under the program:

- A pharmacist or wholesaler employed by or under contract with a medicaid pharmacy, for dispensing to the pharmacy's medicaid recipients;
- A pharmacist or wholesaler employed by or under contract with the department of corrections, for dispensing to inmates in the custody of the department of corrections;
- Commercial plans, as defined by rules promulgated by the medical services board and as approved by the federal government; and

- A licensed Colorado pharmacist or wholesaler approved by the department.

An eligible importer may import a prescription drug from a Canadian supplier if:

- The drug meets federal food and drug administration standards and is not a controlled substance, biological product, infused or intravenously injected drug, a drug that is inhaled during surgery, or a parenteral drug deemed a threat to public health; and
- Importing the drug is expected to generate cost savings and would not violate federal patent laws.

The act requires the department to designate an office or division that must be a licensed pharmaceutical wholesaler or that shall contract with a licensed pharmaceutical wholesaler. The designated office shall:

- Set a maximum profit margin so that a wholesaler, distributor, pharmacy, or other licensed provider participating in the program maintains a profit margin that is no greater than the profit margin that the wholesaler, distributor, pharmacy, or other licensed provider would have earned on the equivalent nonimported drug;
- Exclude generic products if the importation of the products would violate United States patent laws applicable to United States-branded products;
- Comply with certain federal requirements concerning drug quality and security; and
- Determine a method for covering the administrative costs of the program.

Each participating eligible importer and Canadian supplier shall submit to the vendor specified information about each drug to be acquired by the importer or to be supplied by the Canadian supplier under the program.

The department shall immediately suspend the importation of a specific drug or the importation of drugs by a specific eligible importer if it discovers that any drug or activity is in violation of the act or any federal or state law or regulation. The department may revoke the suspension if, after conducting an investigation, it determines that the public is adequately protected from counterfeit or unsafe drugs being imported into this state.

The executive director of the department shall promulgate rules as necessary for the administration of the program. The department shall approve a method of financing the administrative costs of the program, which method may include imposing a fee on each prescription pharmaceutical product sold through the program or any other appropriate method determined by the department to finance administrative costs. The department shall not require a fee in an amount that the department determines would significantly reduce consumer savings.

On or before December 1, 2021, and on or before December 1 each year thereafter, the department shall submit a report to the governor, the president of the senate, and the speaker of the house of representatives concerning the operation of the program during the previous fiscal year.

For the 2019-20 fiscal year, the act appropriates \$1,041,802 to the department to implement the act, \$134,719 of which is reappropriated to the department of law to provide

legal services to the department.

APPROVED by Governor May 16, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-15 Statewide health care review committee - creation - membership - duties - appropriation. The act recreates the former health care task force, renamed as the statewide health care review committee, to study health care issues that affect Colorado residents. The committee consists of no more than 10 of the members from the house of representatives committees on health and insurance and public health care and human services and the senate committee on health and human services. The committee may hold 2 meetings during the interim between legislative sessions, each of which may be a field trip.

\$16,062 is appropriated from the general fund to the legislative department to implement the act.

APPROVED by Governor May 30, 2019

EFFECTIVE May 30, 2019

S.B. 19-21 State board of health - repeal of approval for retention of counsel. The act removes the requirement that the state board of health (state board) approve the retention of counsel when the executive director of the department of public health and environment seeks to bring an action to enjoin, prosecute, or enforce public health laws or standards and the local district attorney fails to act.

The act also removes the requirement that an agency, through its county or district board of health or through its public health director, acquire the approval of the state board before retaining counsel to defend the agency and its officers and employees against actions brought against them.

APPROVED by Governor February 20, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-44 Implementation of emergency medical and trauma care systems implementation - state board of health - identification of criteria for county regional systems - repeal. The act repeals language:

- Requiring the department of public health and environment to implement a statewide emergency medical and trauma care system by July 1, 1997; and
- Requiring the state board of health to cooperate with the department of personnel in adopting certain criteria that counties must identify in their own regional systems.

APPROVED by Governor March 18, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the

effective date, see page vi of this digest.

S.B. 19-45 Public health - radiation advisory committee - reimbursement for expenses. The act clarifies that members of the radiation advisory committee are reimbursed for necessary and actual expenses incurred in attendance at meetings or for authorized business of the committee.

APPROVED by Governor February 20, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-52 Emergency medical service providers - scope of practice - medical supervision of practice in a clinical setting - prehospital scope of practice - state board of health rules. The act expands an emergency medical service (EMS) provider's scope of practice by authorizing a provider to practice under the medical supervision of a licensed physician, physician assistant, advanced practice nurse, or registered nurse, who is immediately available and physically present at the clinical setting where the EMS provider is performing tasks and procedures within the EMS provider's scope of practice. The state board of health may promulgate rules regarding medical supervision of an EMS provider's performance of tasks and procedures in a clinical setting. The act also specifies the prehospital settings in which an EMS provider may perform patient care, which care is subject to medical direction by a physician.

APPROVED by Governor April 17, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-65 Emergency medical service providers - peer health assistance program - authorized providers - administering entity - appropriation. The act creates a peer health assistance program (program) for emergency medical service providers who do not have access to a peer health assistance program. The program is funded through fees collected from each applicant upon initial or renewal of a certification as an emergency medical service provider. The department of public health and environment (department) is required to select one or more peer health assistance programs as designated providers. To be selected as a provider, the program must:

- Provide for the education of emergency medical service providers with respect to the recognition and prevention of physical, emotional, and psychological problems and provide for intervention when necessary or under circumstances that may be established by rules promulgated by the department;
- Offer assistance to an emergency medical service provider in identifying physical, emotional, or psychological problems;
- Evaluate the extent of physical, emotional, or psychological problems and refer the emergency medical service provider for appropriate treatment;
- Monitor the status of an emergency medical service provider who has been referred for treatment;
- Provide counseling and support for the emergency medical service provider

- and for the family of any emergency medical service provider referred for treatment;
- Agree to receive referrals from the department; and
- Agree to make services available to all certified emergency medical service providers.

The department is authorized to select a nonprofit private foundation that is dedicated to support medical charitable purposes to administer the program.

\$57,242 is appropriated to the department to implement the act.

APPROVED by Governor May 14, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-73 Advance directives - health care providers - electronic advance health care directive system - appropriation. The act requires the department of public health and environment (department) to contract with one or more health information organization networks for the creation, administration, and maintenance of a statewide electronic system (system) that allows qualified providers to upload and access advance health care directives.

The act defines an advance health care directive as a directive concerning medical orders for scope of treatment, a declaration as to medical treatment, a directive relating to cardiopulmonary resuscitation, or a medical durable power of attorney. The act also requires the department to promulgate rules to oversee the system.

The act allows a qualified provider to upload an individual's advanced health care directive upon the request of the individual after the individual has consulted with the qualified provider in person or through telehealth. A qualified provider who uploads an advance health care directive to the system is not subject to criminal or civil liability.

The act requires the individual whose medical treatment is the subject of the advance health care directive, or the authorized surrogate decision-maker, to sign an electronic affidavit, prior to uploading the advance health care directive to the system, attesting that the advance health care directive uploaded to the system is appropriately executed, current, and accurate.

The act does not allow for any civil or criminal liability or regulatory sanctions for any emergency personnel, health care provider, health care facility, or any other person that complies with a legally executed advance medical directive that is accessed from the system.

For the 2019-20 state fiscal year, the act appropriates \$993,147 from the general fund to the department of public health and environment for personal services related to health statistics and vital records, operating expenses, and for the purchase of information technology services.

APPROVED by Governor May 16, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the

effective date, see page vi of this digest.

S.B. 19-80 State board of health - area trauma advisory councils - rules - repeal. The act repeals the requirement that the state board of health adopt rules and establish standards to ensure that area trauma advisory councils and managed care organizations are prepared for an emergency epidemic.

APPROVED by Governor March 7, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-81 Colorado Cancer Drug Repository Act - repeal. The act repeals the "Colorado Cancer Drug Repository Act".

APPROVED by Governor March 15, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-82 State board of health - repeal authority over money for state and local public works or public health functions. The act repeals the state board of health's authority to accept, use, disburse, and administer money allotted to the department of public health and environment for state and local public works or public health functions.

APPROVED by Governor March 7, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-83 State board of health - supervision of air quality control programs - repeal. The act eliminates the requirement that the state board of health supervise certain air quality control programs and removes statutory provisions relating to the air pollution variance board and the air quality hearings board.

APPROVED by Governor March 7, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-96 Air pollution - greenhouse gas emission reporting - air quality control commission - rules - appropriation. The act requires the air quality control commission in the department of public health and environment (department) to collect greenhouse gas emissions data from greenhouse gas-emitting entities and report on the data, including a forecast of future emissions. The commission will adopt rules by June 1, 2020, to require the reporting, and propose draft rules by July 1, 2020, to cost-effectively allow the state to meet

its greenhouse gas emission reduction goals. The act also requires the division of administration in the department to update a statewide inventory of greenhouse gas emissions by sector and to post the findings of the inventory on the division's website through 2030.

The act appropriates \$265,589 to the department from the general fund to implement the act.

APPROVED by Governor May 30, 2019

EFFECTIVE May 30, 2019

S.B. 19-145 Dialysis care - hemodialysis clinics and technicians - continuation under sunset law - regulation - supervision by licensed professional nurses. The act implements recommendations in the 2018 sunset review and report by the department of regulatory agencies by continuing the regulation of dialysis clinics and hemodialysis technicians by the department of public health and environment for 7 years, until 2026.

The act deletes obsolete language in the law regulating dialysis treatment clinics and hemodialysis technicians and updates references to nurses who are permitted to supervise hemodialysis technicians.

APPROVED by Governor May 20, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-146 Licensing of home care agencies and registration of home care placement agencies - continuation under sunset law. The act implements recommendations of the department of regulatory agencies in its sunset review and report on the licensing of home care agencies and the registration of home care placement agencies by the department of public health and environment (CDPHE) by:

- Continuing these functions until September 1, 2028;
- Requiring that money assessed and collected by CDPHE as civil fines against agencies is credited to the general fund rather than to the home care agency cash fund; and
- Requiring the home care advisory committee to include representatives of home care placement agencies.

APPROVED by Governor May 28, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-192 Waste diversion - front range waste diversion enterprise created - increased waste diversion goals established - new tipping fee - grant program. Section 1 of the act creates the front range waste diversion enterprise. The enterprise will collect a user fee on each load of waste disposed of at a landfill in the front range and credit the fee to the new front range waste diversion cash fund to finance the front range waste diversion grant program.

Section 2 sets the user fee at 15 cents per cubic yard per load from January 1, 2020, through December 31, 2020. The fee increases 15 cents per year so that on and after January 1, 2023, the fee is 60 cents per cubic yard per load; except that this amount is adjusted annually by inflation after January 1, 2024.

Section 3 adjusts the fine amount for littering on public or private property annually, commencing on January 1, 2020, by inflation and credits the increased amount of the fine to the fund.

The front range is defined as the counties of Adams, Arapahoe, Boulder, Douglas, Elbert, El Paso, Jefferson, Larimer, Pueblo, Teller, and Weld and the cities and counties of Broomfield and Denver. The following entities that are located or provide services in the front range are eligible to apply for grants: Municipalities, counties, and cities and counties; nonprofit and for-profit businesses involved in waste disposal or diversion; and institutions of higher education and public or private schools.

The enterprise shall administer the grant program and provide technical assistance to eligible entities to achieve the following municipal waste diversion goals within the front range:

- 32% diversion by 2021;
- 39% diversion by 2026; and
- 51% diversion by 2036.

The board of directors of the enterprise shall submit a report by July 1 of each year to the committees of reference of the general assembly with jurisdiction over the environment regarding the grant program. The enterprise, increased user fee, and increased amount of the littering fine are repealed, effective September 1, 2029.

APPROVED by Governor May 30, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-198 Waste tires - increased fee assessed on new tires sold - rebates for waste tires processed - waste tire monofill requirements - appropriation. To encourage resource recovery, recycling, and reuse of waste tires, there is a waste tire fee assessed on each new tire sold in the state. Commencing on January 1, 2020, the act raises the waste tire fee from 55 cents to up to \$2.00, as set by the solid and hazardous waste commission by rule, and, on January 1, 2024, reduces it to 55 cents and continues the fee collection through December 31, 2025.

The act also recreates the end users fund, into which fund, on and after January 1, 2020, the state treasurer shall distribute a portion of the revenue collected from the waste tire fee for use by the department of public health and environment (department) to provide quarterly rebates to end users for the processing of waste tires into tire-derived products or fuel. The end users fund and the rebate program are repealed on July 1, 2026. The state treasurer is required to distribute the other portion of the fee revenue to the waste tire administration, enforcement, market development, and cleanup fund in an amount sufficient to offset the department's direct and indirect costs in implementing the waste tire program,

which costs are capped at 50 cents per each new tire sold.

The act prohibits the department from granting a waiver to an owner or operator of a waste tire monofill from requirements to process a certain number of waste tires and not to store waste tires unless the owner or operator has demonstrated an annual net reduction in the number of waste tires at the monofill or has experienced an emergency event at the monofill such as a fire or flood.

\$3,262,500 is appropriated to the department to implement the act.

APPROVED by Governor May 31, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-201 Health facilities - health care providers - adverse health care incidents - protected communications with patients. The act creates the "Colorado Candor Act" (Act), which:

- Establishes a process for open communication between a patient and a health care provider or health facility after an adverse health care incident; and
- Provides that communications under the Act are privileged and confidential, are inadmissible as evidence in any subsequent proceedings arising directly out of the adverse health care incident, and are not subject to discovery, subpoena, or other means of legal compulsion for release.

APPROVED by Governor May 6, 2019

EFFECTIVE July 1, 2019

S.B. 19-227 Substance use disorders - school districts, nonpublic schools, and specified public persons may obtain and administer opiate antagonists - definition of drug paraphernalia - hospitals as clean syringe exchange sites - opiate antagonist bulk purchase fund - household medication take-back program - identity verification for individuals initiating into treatment - appropriation. The act:

- Allows school districts and nonpublic schools to develop policies by which schools are authorized to obtain a supply of opiate antagonists and school employees are trained to administer opiate antagonists to individuals at risk of experiencing a drug overdose;
- Allows a prescriber to prescribe or dispense and a pharmacist to dispense an opiate antagonist to law enforcement agencies, schools, or specified public persons;
- Removes from the definition of "drug paraphernalia" equipment, products, and materials used in testing or analyzing a controlled substance;
- Specifies that a licensed or certified hospital may be used as a clean syringe exchange site;
- Creates the opiate antagonist bulk purchase fund to facilitate bulk purchasing of opiate antagonists at a discounted price;
- Expands the household medication take-back program in the department of public health and environment (department) for the purpose of allowing the

- safe collection and disposal of needles, syringes, and other devices used to inject medication;
- Authorizes a public person or entity that makes an automated external defibrillator available to the public to also make an opiate antagonist available to the public; and
- Requires the department of health care policy and financing to establish a policy on how a substance use disorder treatment program must verify the identity of individuals initiating into detoxification, withdrawal, or maintenance treatment for a substance use disorder.

\$659,472 is appropriated to the department to implement the act.

Specified provisions of the act are contingent upon House Bill 19-1172 becoming law.

APPROVED by Governor May 23, 2019

PORTIONS EFFECTIVE May 23, 2019
PORTIONS EFFECTIVE October 1, 2019

S.B. 19-240 Industrial hemp - regulation of industrial hemp products - increased wholesale food manufacturer fee - stakeholder process - local regulation. Section 1 of the act sets the annual registration fee that a wholesale food manufacturer that produces an industrial hemp product is required to pay to the department of public health and environment at \$300, regardless of the manufacturer's gross annual sales. Section 1 also authorizes the department to convene a stakeholder work group to study the regulation of industrial hemp products.

Sections 2 and 3 authorize local governments to charge a local licensing fee and adopt ordinances or resolutions regulating businesses engaged in the storage, extraction, processing, or manufacturing of industrial hemp or industrial hemp products if the ordinances or resolutions do not conflict with state law.

APPROVED by Governor May 29, 2019

EFFECTIVE May 29, 2019

S.B. 19-242 Emergency medical service providers - application for licensure - eligibility. The act authorizes a certified emergency medical service (EMS) provider to apply for licensure from the department of public health and environment based on a demonstration to the satisfaction of the department that the EMS provider has completed a 4-year bachelor's degree program from an accredited college or university in a field related to the health sciences or an equivalent field, as determined by the state board of health by rule.

Specified portions of the act are contingent upon House Bill 19-1172 becoming effective.

APPROVED by Governor May 31, 2019

PORTIONS EFFECTIVE May 31, 2019
PORTIONS EFFECTIVE October 1, 2019

S.B. 19-254 Nursing home penalty cash fund - reserve - grant cap - repeal related program sunset. The act repeals the current reserve for the nursing home penalty cash fund and instead requires the medical services board to establish a minimum reserve that limits expenditures for grants. The annual cap on expenditures for grants, which is \$250,000 or

possibly a lesser amount depending on whether the fund balance exceeds \$2 million, is repealed and the sunset review of the use of grants and the related nursing home innovations grant board is also repealed.

APPROVED by Governor May 29, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1009 Recovery from substance use disorders - housing vouchers - recovery residence standards and requirements - recovery residence certification grant program - creation of the opioid crisis recovery funds advisory committee - appropriation. The act:

- Expands the housing voucher program currently within the department of local affairs to include individuals with a substance use disorder;
- Establishes standards for recovery residences for purposes of referrals and title protection and prohibits a facility from using the terms "recovery residence", "sober living facility", or "sober home" unless the facility meets specified conditions;
- Creates the recovery residence certification grant program; and
- Creates the opioid crisis recovery funds advisory committee to advise and collaborate with the department of law on uses of any custodial funds the state receives as settlement or damage awards resulting from opioid-related litigation.

To implement the act:

- \$1,000,000 is appropriated to the department of local affairs;
- \$2,620 is appropriated to the office of the governor for use by the office of information technology; and
- \$50,000 is appropriated to the department of human services for use by the office of behavioral health.

APPROVED by Governor May 23, 2019

EFFECTIVE May 23, 2019

H.B. 19-1010 Freestanding emergency departments - mandatory licensure - exceptions - appropriation. Effective July 1, 2022, the act creates a new license, referred to as a "freestanding emergency department license". The department of public health and environment (department) may issue the license to a health facility that offers emergency care, that may offer primary and urgent care services, and that is either:

- Owned or operated by, or affiliated with, a hospital or hospital system and located more than 250 yards from the main campus of the hospital; or
- Independent from and not operated by or affiliated with a hospital or hospital system and not attached to or situated within 250 yards of, or contained within, a hospital.

A facility licensed as a community clinic before July 1, 2010, and that serves a rural community or ski area is excluded from the definition of "freestanding emergency

department".

The act allows the department to waive the licensure requirements for a facility that is licensed as a community clinic or that is seeking community clinic licensure and serves an underserved population in the state.

The state board of health must adopt rules regarding the new license, including rules to set licensure requirements and fees and safety and care standards.

\$43,248 is appropriated to the department from the health facilities general licensure cash fund to implement the act.

APPROVED by Governor May 29, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1014 Retail food establishments - inspections - penalties for violations. With respect to retail food establishment inspections, the act:

- Clarifies that emergency situations can create an "imminent health hazard";
- Repeals language that separated violations found during inspections into critical and noncritical violations;
- Clarifies that it is unlawful to continue to operate a retail food establishment that has had its license or certificate of license suspended;
- Aligns the requirements for the communication of inspection results with the determination of whether violations are sufficient to require a reinspection;
- Removes the minimum amount for a civil penalty and establishes the maximum amount as \$1,000 for violations of rules promulgated by the department of public health and environment;
- Provides that a retail food establishment that is found to be in violation during 4 out of 5 inspections during a 12-month period is subject to a civil penalty not to exceed \$1,000 and license suspension; and
- Adds unpaid license fees to the list of items on which a retail food establishment can spend an assessed penalty.

APPROVED by Governor February 28, 2019

EFFECTIVE January 1, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1031 Medical marijuana - primary caregivers - juvenile patient - appropriation. Under current law, a medical marijuana patient is limited to having one primary caregiver at a time. The act makes an exception for a patient who is under 18 years of age and allows each parent or guardian to serve as a primary caregiver. The act also clarifies that if the patient is under the jurisdiction of the juvenile court, the judge presiding over the case may determine who is the juvenile's primary caregiver.

The act appropriates \$95,831 to the department of public health and environment for the medical marijuana registry from the medical marijuana program cash fund.

APPROVED by Governor May 23, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1039 Registrar of vital statistics - department of revenue - issuance of new a birth certificate, driver's license, or identity document - requirements - appropriation. Under current law, a person born in Colorado who seeks a new birth certificate from the registrar of vital statistics (state registrar) to reflect a change in gender designation must obtain a court order indicating that the sex of the person has been changed by surgical procedure and ordering that the gender designation on the birth certificate be amended, and the person must obtain a court order with a legal name change. The act:

- Repeals that provision and creates new requirements for the issuance of birth certificates to a person who has a gender different from the sex denoted on that person's birth certificate;
- Requires that the state registrar issue a new birth certificate rather than an amended birth certificate. The act allows a person who has previously obtained an amended birth certificate under previous versions of the law to apply to receive a new birth certificate. A person is not required to obtain a court order for a legal name change in order to obtain a new birth certificate with a change in gender designation;
- Gives the courts in this state jurisdiction to issue a decree to amend a birth certificate to reflect a change in sex designation for persons born in another state or foreign jurisdiction if the law of such other state or foreign jurisdiction requires a court decree in order to amend a birth certificate to reflect a change in sex designation;
- Creates new requirements for the issuance of a new driver's license or identity document to a person who has a gender different from the sex denoted on that person's driver's license or identity document after certain documents are submitted to the department of revenue;
- Exempts transgender persons from having to submit a public notice of name change.

The act appropriates \$58,500 from the licensing services cash fund to the department of revenue for use by the division of motor vehicles for DRIVES maintenance and support.

APPROVED by Governor May 31, 2019

EFFECTIVE January 1, 2020

H.B. 19-1041 Hospitals - regulation of surgical smoke - prevention of human exposure. The act requires each hospital with surgical services and each ambulatory surgical center to adopt and implement on or before May 1, 2021, a policy that prevents human exposure to surgical smoke via the use of a surgical smoke evacuation system during any planned surgical procedure that is likely to generate surgical smoke. Surgical smoke is a gaseous by-product

produced by energy-generating surgical devices.

APPROVED by Governor March 28, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1065 Public hospitals - boards of trustees - membership - acquisition of real and personal property by lease. Under current law, not more than 4 of the 7 trustees of a public hospital board of trustees (hospital board) may be residents of the city or town in which the associated hospital is located. The act removes this restriction.

Current law states that a hospital board may acquire real and personal property by lease only with the approval of the board of county commissioners. The act clarifies this requirement and creates an exception to it; that is, a hospital board that has designated its public hospital as an enterprise for purposes of section 20 of article X of the state constitution is not required to obtain such approval.

APPROVED by Governor April 10, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1068 State board of health - preparation of department operational planning - repeal. The act repeals the requirement that the state board of health comply with certain statutory requirements concerning the preparation of operational planning functions as if the state board were the executive director of the department of public health and environment.

APPROVED by Governor March 28, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1070 Substance testing by department - repeal. The act repeals language requiring the department of public health and environment to test substances that any individual, person, firm, association, or other entity has held out to have value in the diagnosis, treatment, alleviation, or cure of cancer.

APPROVED by Governor March 11, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1071 State board of health - water quality control - joint operating agreement approval - water conservancy district board of directors - rules. The act eliminates the requirement that the state board of health approve a municipality's entrance into a joint operating agreement with an industrial enterprise for work relating to sewerage facilities. The

act also clarifies that the board of directors of a water conservancy district must comply with the rules of the water quality control commission concerning the manner in which watercourses of the district are used for waste disposal.

APPROVED by Governor March 7, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1076 Smoking restrictions - application to vape and e-cigarette use - exemptions - age restrictions in permitted smoking areas - signage - penalties. The act amends the "Colorado Clean Indoor Air Act" by:

- Adding a definition of "electronic smoking device" (ESD) to include e-cigarettes and similar devices within the scope of the act;
- Citing the results of recent research on ESD emissions and their effects on human health as part of the legislative declaration;
- Eliminating the existing exceptions for certain places of business in which smoking may be permitted, such as airport smoking concessions, businesses with 3 or fewer employees, designated smoking rooms in hotels, and designated smoking areas in assisted living facilities;
- Repealing the ability of property owners and managers to designate smoking areas through the posting of signs;
- Exempting FDA-approved nebulizers, inhalers, and vaporizers, as well as humidifiers that emit only water vapor, from the definition of an ESD;
- Amending signage requirements for tobacco businesses and vape shops that must notify customers of prohibitions on entry by persons under the age of 18;
- Increasing the radius of an "entryway", the area around the doorway to a building where smoking is not permitted, from a minimum of 15 feet to a minimum of 25 feet except where existing local regulations permitted a smaller radius when construction or renovation of a business commenced, on or before July 1, 2019; and
- Creates a grace period, affirmative defenses, and graduated penalties for enforcement of the amended signage requirements and age restrictions for tobacco businesses and vape shops.

The act takes effect July 1, 2019, except for the provisions requiring exclusion of minors and the posting of appropriate signage relating to the exclusion, which provisions take effect October 1, 2019.

APPROVED by Governor May 29, 2019

EFFECTIVE July 1, 2019

H.B. 19-1122 Maternal mortality review committee - creation - appointments - duties - sunset review - appropriation. The act creates the Colorado maternal mortality review committee (committee), which is required to review maternal deaths, identify the causes of maternal mortality, and develop recommendations to address preventable maternal deaths, including legislation, policies, rules, and best practices that will support the health and safety

of the pregnant and postpartum population in Colorado and prevent maternal deaths. The executive director of the department of public health and environment (department) is directed to appoint at least 11 members to serve on the committee.

The act requires certain health care providers and law enforcement officials to provide medical records to the department concerning each maternal death for access by the members of the committee. The records, notes, information, and activities of the committee are confidential.

The committee is repealed, effective September 1, 2029, and is subject to sunset review by the department of regulatory agencies prior to its repeal.

\$145,167 is appropriated to the department for implementation of the act.

APPROVED by Governor May 16, 2019

EFFECTIVE May 16, 2019

H.B. 19-1131 Drug manufacturer, representative, agent, or employee - prescription drug marketing - disclosure of drug information required. The act requires a drug manufacturer, or a representative, agent, or employee of the manufacturer, who while employed by or under contract to represent a manufacturer engages in prescription drug marketing, to provide to a prescriber, in writing, the wholesale acquisition cost of a prescription drug when, in the course of conducting business, the manufacturer, representative, agent, or employee provides information concerning the drug to the prescriber.

The act also requires the drug manufacturer, or a representative, agent, or employee of the manufacturer, to also disseminate the names of at least 3 generic prescription drugs from the same therapeutic class, or if 3 are not available, as many as are available for prescriptive use.

Specified provisions of the act are contingent upon House Bill 19-1172 becoming law.

APPROVED by Governor May 16, 2019

PORTIONS EFFECTIVE August 2, 2019

PORTIONS EFFECTIVE October 1, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1133 Child abuse and neglect - CARENetwork - resource center - appropriation. The act establishes the Colorado child abuse response and evaluation network (CARENetwork) to provide medical exams and behavioral health assessments to children who are subject to physical or sexual abuse or neglect. The department of public health and environment is to contract with a nonprofit organization to act as a resource center. The act specifies duties of the resource center.

The act also establishes a CARENetwork advisory committee and specifies the membership and duties of the advisory committee.

The act appropriates \$632,717 from the general fund to the department of public health and environment to implement the act.

APPROVED by Governor May 23, 2019

EFFECTIVE May 23, 2019

H.B. 19-1183 Automated external defibrillator - placement of AED in public place - acceptance of donated AED - appropriation. The act encourages any person that owns, operates, or manages a public place or public school to place functional automated external defibrillators (AEDs) in sufficient quantities to ensure reasonable availability for use during perceived sudden cardiac arrest emergencies.

Any public place or public school is required to accept any gift, grant, or donation of an AED that meets federal standards. If a public place or public school accepts a donated AED but the public place or public school does not want to accept responsibility for AED training, installation, or maintenance, the public place or public school is not required to accept the AED unless the donating party agrees to be responsible for AED training, installation, and maintenance. If the donating party accepts responsibility but can no longer provide maintenance, the public place or public school may remove the AED from the public place or public school.

The public place or public school is allowed to decide who will be trained, the frequency of training, and when the AED training and installation will take place.

On or before September 1, 2019, the department of public health and environment shall award a \$15,000 contract to a nonprofit organization for the purpose of acquiring and distributing AEDs to public places.

The act makes an appropriation of \$15,000 from the general fund to the department of public health and environment for use by the health facilities and emergency medical services division for the state EMS coordination, planning, and certification program.

APPROVED by Governor May 22, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1200 Water quality - water quality control commission - reclaimed domestic wastewater - point of compliance. In 2018, the general assembly authorized the use of reclaimed domestic wastewater for irrigation of food crops and industrial hemp and for toilet flushing if, at the point of compliance in the water treatment process, the reclaimed domestic wastewater met certain water quality standards.

The act authorizes the water quality control commission (commission) to adopt rules requiring a point of compliance for disinfection residual related to the treatment process for reclaimed domestic wastewater used for toilet flushing within a building where the general public can access the plumbing fixtures used to deliver the reclaimed domestic wastewater. If the commission adopts the rules, the rules must establish a point of compliance for disinfection residual at a single location between where reclaimed domestic wastewater is

delivered to the occupied premises and before the water is distributed for use in the occupied premises.

APPROVED by Governor April 4, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1261 Air pollution - statewide greenhouse gas pollution abatement - air quality control commission - rules - appropriation. Section 1 of the act states that Colorado shall have statewide goals to reduce 2025 greenhouse gas emissions by at least 26%, 2030 greenhouse gas emissions by at least 50%, and 2050 greenhouse gas emissions by at least 90% of the levels of statewide greenhouse gas emissions that existed in 2005.

Section 3 specifies considerations that the air quality control commission is to take into account in implementing policies and promulgating rules to reduce greenhouse gas pollution, including the benefits of compliance and the equitable distribution of those benefits, the costs of compliance, opportunities to incentivize clean energy in transitioning communities, and the potential to enhance the resilience of Colorado's communities and natural resources to climate impacts.

The commission will consult with the public utilities commission with regard to rules that affect the providers of retail electricity in Colorado. The commission shall not mandate an electric public utility to reduce its emissions by 2030 more than is required by a clean energy plan filed with the public utilities commission if the plan demonstrates an 80% reduction from 2005 statewide green gas emission levels by 2030. A clean energy plan voluntarily filed by a cooperative electric association that has exempted itself from the public utilities commission's jurisdiction or a municipally owned utility with the public utilities commission is deemed approved if the plan demonstrates an 80% reduction by 2030.

\$281,588 is appropriated from the general fund to the department of public health and environment to implement the act, of which \$93,267 is reappropriated to the department of law.

APPROVED by Governor May 30, 2019

EFFECTIVE May 30, 2019

H.B. 19-1268 Assisted living residence - referral agency - disclosures required - documentation - penalties. The act requires an individual or entity who, for a fee, refers a prospective resident to an assisted living residence to disclose any business relationships that the referring party has with the assisted living residence. The individual or entity must also disclose that the assisted living residence pays for the referral.

The act requires written or electronic documentation of the disclosure to be provided to and maintained by the assisted living residence. The referring party is subject to a civil penalty for a violation. The attorney general or district attorney in the appropriate county is authorized to bring a civil action to seek a civil penalty or to enjoin the referring party from any further violation.

APPROVED by Governor May 13, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

HEALTH CARE POLICY AND FINANCING

S.B. 19-197 Complementary and alternative medicine for a person with a spinal cord injury - pilot program - continuation - report. The act continues the department of health care policy and financing's pilot program that allows an eligible person with a spinal cord injury to receive complementary or alternative medicine until 2025. The act requires the independent evaluation of the pilot program and associated report to be completed no later than January 1, 2025.

APPROVED by Governor May 29, 2019

EFFECTIVE May 29, 2019

S.B. 19-209 Medicaid - PACE program funding - interim review of funding methodology - appropriation. The act directs the department of health care policy and financing (department) to negotiate the monthly contracted rate for PACE program services for the 2019-20 fiscal year, and each fiscal year thereafter, using an actuarially sound upper payment limit methodology that complies with federal law regarding PACE organizations.

The act repeals provisions in statute directing the department to apply a grade of membership method in determining the upper payment limit methodology and tying the 2019-20 fiscal year appropriations to a new methodology or to the fiscal year 2016-17 appropriation.

The act requires the department and PACE organizations to meet during the 2019 legislative interim to consider the appropriate funding methodology for PACE programs and other issues relating to PACE delivery models, administrative oversight and funding administrative services, and appropriations requests.

For the 2019-20 state fiscal year, the act appropriates \$6,755,479 to the department of health care policy and financing for medical assistance premiums for the PACE program, with the expectation of receiving the same amount in matching federal funds.

APPROVED by Governor April 17, 2019

EFFECTIVE April 17, 2019

S.B. 19-222 Medicaid - 1115 demonstration waiver - criminal or juvenile justice system prevention - mental health institute admission criteria - community behavioral health safety net system - appropriation. The act requires the department of health care policy and financing (state department) to develop measurable outcomes to monitor efforts to prevent medicaid recipients from becoming involved in the criminal or juvenile justice system.

The act requires the state department to work collaboratively with managed care entities to create incentives for behavioral health providers to accept medicaid recipients with severe behavioral health disorders. The act requires the state department to determine if seeking a 1115 demonstration waiver is the necessary response to ensure inpatient services are available to individuals with a serious mental illness. If the state department determines it is not appropriate, the state department shall submit a report to the general assembly with the state department's reasoning and an alternative plan and proposed timeline for the implementation of the alternative plan.

The act requires the state department to develop and implement admission criteria to

the mental health institutes at Pueblo and Fort Logan.

The act creates a community behavioral health safety net system (safety net system) and requires the department of human services, in collaboration with the state department, to conduct the following activities:

- Define what constitutes a high-intensity behavioral health treatment program (treatment program), determine what an adequate network of high-intensity behavioral health treatment services includes, and identify existing treatment programs;
- Develop an implementation plan to increase the number of treatment programs in the state;
- Identify an advisory body to assist the department in creating a comprehensive proposal to strengthen and expand the safety net system;
- Develop a comprehensive proposal to strengthen and expand the safety net system that provides behavioral health services for individuals with severe behavioral health disorders;
- Implement the comprehensive proposal and the funding model no later than January 1, 2024; and
- Provide an annual report from January 1, 2022, until July 1, 2024, on the safety net system to the public through the annual SMART Act hearing.

The act appropriates \$75,000 to the department of health care policy and financing from the general fund.

APPROVED by Governor May 20, 2019

EFFECTIVE May 20, 2019

S.B. 19-238 Home care agencies - department to request increase in federal reimbursement rate for certain services - minimum wage - wage pass-through requirement - training - appropriation. The act requires the department of health care policy and financing (department) to request from the federal government an increase of 8.1% in the reimbursement rate for certain services delivered to consumers through the home- and community-based services waivers. For the 2019-20 fiscal year, each home care agency (agency) shall pay 100% of the funding that results from the rate increase as compensation for employees who provide personal care services, homemaker services, and in-home support services (covered services) to consumers. For the 2020-21 fiscal year, each agency shall pay 85% of the funding that results from the rate increase as compensation for employees who provide covered services to consumers.

Within 60 days after the request for an increase in the reimbursement rate is approved, each agency shall provide written notice to each nonadministrative employee who provides covered services of the compensation to which the employee is entitled.

The act states that on and after July 1, 2020, the hourly minimum wage for persons who provide covered services for which an agency may receive reimbursement pursuant to the "Colorado Medical Assistance Act" is \$12.41 per hour.

Each agency shall track and report how it used any funding resulting from the rate increase using a reporting tool developed by the department. The department may recoup from an agency part or all of the funding resulting from the rate increase if the department

determines that the agency:

- Did not use 100% of any funding resulting from the rate increase to increase compensation for nonadministrative employees for the 2019-20 fiscal year;
- Did not use 85% of the funding resulting from the rate increase to increase compensation for nonadministrative employees for the 2020-21 fiscal year; or
- Failed to track and report how it used any funds resulting from the increase in the reimbursement rate.

The act requires the department and the department of public health and environment, in consultation with stakeholders, on or before January 1, 2020, to establish a process for reviewing and enforcing initial and ongoing training requirements for persons who provide covered services.

The act appropriates \$5,682,377 to the department to implement the act.

APPROVED by Governor May 28, 2019

EFFECTIVE May 28, 2019

H.B. 19-1001 Hospitals - healthcare affordability and sustainability enterprise board - annual hospital expenditure report - hospital report card and hospital charge report recommendations. The act requires the department of health care policy and financing (department), in consultation with the Colorado healthcare affordability and sustainability enterprise board, to develop and prepare an annual report detailing uncompensated hospital costs and the different categories of expenditures made by hospitals in the state (hospital expenditure report). In compiling the hospital expenditure report, the department shall use publicly available data sources whenever possible. Each hospital in the state is required to make available to the department certain information.

Prior to issuing the hospital expenditure report, each hospital referenced in the report has 15 days to review the report and submit clarifications or corrections to the department. Additionally, the department is required to provide a statewide hospital association any information it receives from hospitals in the development of the hospital expenditure report.

The department is required to submit the hospital expenditure report to the governor, specified committees of the general assembly, and the medical services board in the department by January 15, 2020, and each year thereafter. The department is also directed to post the hospital expenditure report on the department's website.

The act requires the department, in consultation with the department of public health and environment and the division of insurance, to determine whether the hospital report card and the hospital charge report that exist under current law require any structural or substantive changes. Any such recommendations to that effect are required to be made to the general assembly by November 1, 2019.

APPROVED by Governor March 28, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1004 Proposal for a state option for health care coverage - creation - division of insurance - appropriation. The act requires the department of health care policy and financing and the division of insurance in the department of regulatory agencies (departments) to develop and submit a proposal (proposal) to certain committees of the general assembly concerning the design, costs, benefits, and implementation of a state option for health care coverage. Additionally, the departments shall present a summary of the proposal at the annual joint hearings with the legislative committees of reference during the interim before the 2020 legislative session.

The proposal must contain a detailed description of a state option and must identify the most effective implementation of a state option based on affordability to consumers at different income levels, administrative and financial burden to the state, ease of implementation, and likelihood of success in meeting the objectives described in the act. The proposal must also identify any necessary changes to state law to implement the proposal.

In developing the proposal, the departments shall engage in a stakeholder process that includes public and private health insurance experts, consumers, consumer advocates, employers, providers, and carriers. Further, the departments shall review any information relating to a pilot program operated by the state personnel director as a result of legislation that may be enacted during the 2019 legislative session.

The departments shall prepare and submit any necessary federal waivers or state plan amendments to implement the proposal, unless a bill is filed within the filing deadlines for the 2020 legislative session that substantially alters the federal authorization required for the proposal and the bill is not postponed indefinitely in the first committee.

For the 2018-19 state fiscal year, the act appropriates \$75,000 from the general fund to the department of health care policy and financing for professional services, and \$115,500 from the general fund to the department of regulatory agencies for the division of insurance for personal services.

For the 2019-20 state fiscal year, the act appropriates \$150,000 from the general fund to the department of health care policy and financing for professional services, and \$231,000 from the general fund to the department of regulatory agencies for the division of insurance for personal services.

APPROVED by Governor May 17, 2019

EFFECTIVE May 17, 2019

H.B. 19-1038 Children's basic health plan - dental services for pregnant women - appropriation. Current law requires the medical services board to include dental services for eligible children enrolled in a children's basic health plan. The act requires the board to include dental services to all eligible enrollees, which includes children and pregnant women.

The act appropriates \$66,955 to the department of health care policy and financing to implement the act.

APPROVED by Governor April 16, 2019

EFFECTIVE April 16, 2019

H.B. 19-1285 Denver health and hospital authority - managed care organization contract. The act requires the department of health care policy and financing (department) to offer to enter into a contract with the managed care organization (MCO) operated by Denver health and hospital authority (Denver health), as long as the MCO continues to operate a medicaid managed care program or until June 30, 2025, unless sooner reprocured. Denver health is required to collaborate, if applicable, with the MCO designated by the department to manage behavioral health services.

The act requires the MCO operated by Denver health to maintain adequate financials, accept rates determined by the department, maintain service and quality metrics determined by the department, and meet statewide managed care system standards and operate as part of the overall managed care system.

APPROVED by Governor May 31, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1302 Colorado medical assistance act - breast and cervical cancer prevention and treatment program - repeal date extended - appropriation. The act extends the repeal date of the breast and cervical cancer prevention and treatment program 10 years to July 1, 2029.

\$857,783 is appropriated to the department of health care policy and financing from the breast and cervical cancer prevention and treatment fund.

APPROVED by Governor May 16, 2019

EFFECTIVE May 16, 2019

H.B. 19-1320 Health care providers' accountability to communities - community health needs assessments - community benefit implementation plans - public meetings. The act requires the following hospitals to complete a community health needs assessment every 3 years and an annual community benefit implementation plan every year:

- A hospital that is licensed as a general hospital and exempt from federal taxation;
- A hospital established pursuant to the Denver health and hospital authority; and
- A hospital established pursuant to the University of Colorado hospital authority.

Each such hospital must report to the department of health care policy and financing (department) concerning certain community benefits, costs, and shortfalls in the preceding year, and the department is required to submit an annual summary report to subject matter committees of the general assembly. Hospitals that are licensed as general hospitals but that are not required to report may report in like fashion. The department shall develop and provide a website at which each reporting hospital shall submit reports.

The act requires each hospital to convene a public meeting at least once each year to seek feedback regarding the hospital's community benefit activities during the previous year and the hospital's community benefit implementation plan for the following year. Each

hospital shall invite representatives from certain local entities and state agencies to participate in the meeting. Each hospital shall also invite the general public to the meeting in an advertisement placed in any major newspaper published in the hospital's community.

APPROVED by Governor May 16, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1326 Dental program for seniors - review - maximum reimbursement rates. The act adds to the duties of the department of health care policy and financing (department) under the Colorado dental health care program for low-income seniors (program) to review the operation and effectiveness of the program in the next annual report. Qualified grantees under the program and the department shall report recommendations concerning the operations and effectiveness of the program.

Under current law, the senior dental advisory committee recommends to the medical services board the maximum reimbursement rate for dental procedures under the Colorado dental health care program for low-income seniors that cannot be less than the reimbursement rate previously adopted by the state board of health for the program. The act changes the maximum reimbursement rate that the committee may recommend to not less than the medicaid fee-for-service rate.

APPROVED by Governor May 14, 2019

EFFECTIVE May 14, 2019

HUMAN SERVICES - BEHAVIORAL HEALTH

S.B. 19-136 Youth services - pilot program - second location - appropriation. There is currently a pilot program to aid in the establishment of a division-wide therapeutic and rehabilitative culture (pilot program) in the division of youth services that operates in one location. The act expands the pilot program to a second location and requires a second evaluation and report on the pilot program.

For the 2019-20 state fiscal year, the act appropriates \$529,562 from the general fund to operate and evaluate the second location.

APPROVED by Governor May 20, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-195 Wraparound services - child and youth behavioral health delivery system pilot program - standardized screening tools - single statewide referral and entry point - children and youth at risk of out-of-home placement or in an out-of-home placement - appropriation. No later than July 1, 2020, the department of health care policy and financing shall seek federal authorization to provide wraparound services for eligible children and youth who are at risk of out-of-home placement or in an out-of-home placement. Upon federal authorization, the department of health care policy and financing shall require managed care entities to implement wraparound services, which may be contracted out to a third party.

The act requires the department of health care policy and financing, in conjunction with the department of human services, to develop and implement wraparound services for children and youth at risk of out-of-home placement or in an out-of-home placement. The act requires wraparound services to be covered under medicaid. Upon implementation of the wraparound services, the department of health care policy and financing and the department of human services shall monitor and report the annual cost savings associated with eligible children and youth receiving wraparound services to the public through the annual "SMART Act" hearing.

No later than July 1, 2020, the department of health care policy and financing is required to design and recommend a child and youth behavioral health delivery system pilot program that addresses the challenges of fragmentation and duplication of behavioral health services.

The act requires the executive director of the department of human services to appoint two full-time staff persons to support and facilitate interagency coordination for the development and implementation of wraparound services.

No later than July 1, 2020, the department of human services is required to select a single standardized assessment tool to facilitate identification of behavioral health issues and develop a plan to implement the tool for programmatic utilization. The act also requires the department of human services to select developmentally appropriate and culturally competent statewide behavioral health standardized screening tools for primary care providers, which may be made available electronically for health care professionals. The department of public

health and environment shall ensure adequate statewide training on the standardized screening tools for primary care providers and other interested health care professionals who care for children.

No later than July 1, 2020, the department of human services, in conjunction with the department of health care policy and financing and the department of public health and environment, is required to develop a plan for establishing a single statewide referral and entry point for children and youth who have a positive behavioral health screening or whose needs are identified through a standardized assessment.

The act makes multiple appropriations to the department of health care policy and financing and the department of human services.

APPROVED by Governor May 16, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-219 Licensing of controlled substances act - continuation under sunset law. The act implements the recommendations of the department of regulatory agencies in its sunset review and report on the "Colorado Licensing of Controlled Substances Act" (controlled substances licensing act) by:

- Continuing the controlled substances licensing act for 7 years and subjecting it to sunset review prior to its repeal on September 1, 2026;
- Repealing references to research as a regulated activity in the controlled substances licensing act;
- Requiring the department of human services (department) to develop and implement a formal, simple, accurate, and objective system to track and categorize complaints made against a licensee and disciplinary actions taken pursuant to the controlled substances licensing act; and
- Directing the department to develop a secure online central registry for licensed opioid treatment programs to submit information to the department.

The department is required to develop a policy that separates the administration of the controlled substances licensing act from the performance of its duties relating to approved treatment facilities that receive public funds.

APPROVED by Governor May 23, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-228 Substance abuse prevention - pharmacy enhanced dispensing fee - health care providers with prescriptive authority - required training - receipt of benefits for prescriptions prohibited - access to prescription drug monitoring program - appropriation to address opioid and other substance use disorder priorities - office of behavioral health grant programs created - center for research into substance use disorder prevention, treatment, and recovery

support strategies program created - perinatal substance use data linkage project created - report - appropriations. The act:

- Allows a pharmacy that dispenses an opioid to receive an enhanced dispensing fee if the pharmacy provides counseling concerning the risk of opioids to the patient;
- Prohibits a physician, physician assistant, or an advanced practice nurse from accepting any direct or indirect benefits for prescribing a specific medication;
- Requires the state board of pharmacy to promulgate rules that require a prescription for an opioid for outpatient use to bear a warning label;
- Allows medical examiners and coroners access to the prescription drug monitoring program under specified circumstances;
- Authorizes the department of human services to conduct research that relates to the definition of "abuse" concerning the incidence of prenatal substance exposure and related newborn and family health and human services outcomes as the result of a mother's lawful and unlawful intake of controlled substances;
- Requires specified state departments to report to the health committees of the general assembly by December 31, 2019, the amount of federal funds that each is receiving or is eligible to receive for use in testing for hepatitis and HIV and the number of individuals currently and anticipated to be tested. The departments are also required to share eligibility standards for treatment with primary care providers.
- Creates the Charlie Hughes and Nathan Gauna opioid prevention grant program to improve young lives in the office of behavioral health in the department of human services (office) for the purpose preventing opioid use among the state's youth population.
- Requires the center for research into substance use disorder prevention, treatment, and recovery support strategies (center) to develop and implement a program to increase public awareness about the safe use, storage, and disposal of opioids, and about the availability of antagonist drugs. The general assembly is required to annually appropriate until the 2023-24 fiscal year \$750,000 to the center from the marijuana tax cash fund to implement the program.
- Allows the center, in partnership with an institution of higher education and the state substance abuse trend and response task force to conduct a statewide perinatal substance use data linkage project;
- Requires the center to hire additional staff to assist local communities in applying for grants;
- Creates the maternal and child health pilot program in the office to provide grants to obstetric and gynecological health care clinics and to treatment facilities that provide substance use disorder or medication-assisted treatment; and
- Requires podiatrists, dentists, advanced practice nurses, optometrists, and veterinarians to complete substance use disorder training as part of continuing education required to renew the provider's license if the health care provider has prescriptive authority.

\$1,192, 367 is appropriated to the department of human services, \$1,100,000 is appropriated to the department of higher education, and \$2 million is appropriated department of public health and environment, all from the marijuana tax cash fund, to implement the act.

Specified provisions of the act are contingent upon House Bill 19-1172 becoming law.

APPROVED by Governor May 23, 2019

PORTIONS EFFECTIVE May 23, 2019
PORTIONS EFFECTIVE October 1, 2019

H.B. 19-1044 Advance behavioral health orders for scope of treatment form. Under current law, an adult may establish advance medical orders for scope of treatment, allowing an adult to establish directives for the administration of medical treatment in the event the adult later lacks decisional capacity to provide informed consent to, withdraw from, or refuse medical treatment.

The act creates a similar order for behavioral health orders for scope of treatment so that an adult may communicate his or her behavioral health history, decisions, and preferences.

The act:

- Lists the requirements for a behavioral health orders for scope of treatment form;
- Details the duties and immunities of emergency medical services personnel, health care providers, and health care facilities with respect to treating an adult with behavioral health orders for scope of treatment;
- Details how a behavioral health orders for scope of treatment form is executed, amended, or revoked; and
- Prohibits an effect on a health insurance contract, life insurance contract, or annuity, by executing or failing to execute a behavioral health orders for scope of treatment.

APPROVED by Governor March 28, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1120 Psychotherapy services - treatment of a minor without parental consent - mental health education resource bank - appropriation. The act allows a minor 12 years of age or older to seek and obtain psychotherapy services with or without the consent of the minor's parent or guardian if the mental health professional determines the minor is knowingly and voluntarily seeking the psychotherapy services and the psychotherapy services are clinically necessary. A mental health professional providing psychotherapy services to a minor may, with the consent of the minor, advise the minor's parent or legal guardian of the psychotherapy services provided, unless notifying the parent or legal guardian would be inappropriate or detrimental to the minor's care and treatment. However, the mental health professional is permitted to notify the minor's parent or legal guardian without the minor's consent if, in the opinion of the mental health professional, the minor is unable to manage his or her care or treatment.

The mental health professional is required to engage the minor in a discussion about the importance of involving and notifying the minor's parent or legal guardian and document any attempt to contact the minor's parent or legal guardian. If a minor communicates a clear

and imminent threat to commit suicide, the mental health professional is required to notify the minor's parent or legal guardian of the minor's suicidal ideation.

The act requires the department of education, in consultation with the office of suicide prevention, the youth advisory council, and the suicide prevention commission, to create and maintain a mental health education literacy resource bank. The resource bank is available to the public free of charge. The act also requires the state board of education to adopt standards related to mental health, including suicide prevention.

The act appropriates \$116,550 from the general fund to the department of education for the mental health education resource bank and technical assistance.

Specifies that certain provisions take effect only if House Bill 19-1172 becomes law.

APPROVED by Governor May 16, 2019

PORTIONS EFFECTIVE May 16, 2019

PORTIONS EFFECTIVE October 1, 2019

H.B. 19-1160 Residential mental health facility - pilot program - appropriation. The act creates a new 3-year mental health facility pilot program to provide residential care, treatment, and services to persons with either a mental health diagnosis or a physical health diagnosis. It contains requirements for applicants and directs the department of public health and environment (department) to select one or 2 applicants for the pilot program.

The act appropriates \$30,370 to the department for use by the health facilities and emergency medical services division.

APPROVED by Governor May 20, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1193 Access to behavioral health supports for high-risk families - pregnant and parenting women - high-risk families cash fund - child care services and substance use disorder treatment pilot program - regional mobile child care model - appropriation. The act amends existing programs that provide access to substance use disorder treatment to pregnant and parenting women up to one year postpartum. The act creates child care pilot programs for parenting women engaged in substance use disorder treatment. The act:

- Encourages health care practitioners and county departments of human or social services to identify pregnant women and parenting women for a needs assessment to determine needed services;
- Authorizes the state department of human services (state department) to use state money to provide residential substance use disorder treatment to pregnant and parenting women until such time as those services are covered under the state program of medical assistance and authorized under federal law;
- Creates the high-risk families cash fund (cash fund) in the office of behavioral health in the state department to increase capacity for and provide services to high-risk parents, including pregnant and parenting women, and for services for high-risk children and youth with behavioral health disorders. The state

treasurer shall transfer unencumbered money in the cash fund to certain programs listed in the act.

- Creates the child care services and substance use disorder treatment pilot program (pilot program) as a two-generation initiative in the state department, and awards pilot program grants to enhance existing child care resource and referral programs and increase child care navigation capacity to serve pregnant and parenting women seeking or participating in substance use disorder treatment;
- Awards pilot program grants to enhance the capacity of the existing child care resource and referral program's centralized call center to serve pregnant and parenting women with a substance use disorder;
- Awards pilot program grants to pilot a regional mobile child care model to serve young children of parenting women in substance use disorder treatment;
- Requires an annual appropriation of \$500,000 for 3 fiscal years for the pilot program, and requires annual reporting to the general assembly concerning the pilot program. Any money not expended for the pilot program will be transferred to the high-risk families cash fund.
- Prohibits the admission into evidence in criminal proceedings information relating to substance use during pregnancy, with certain exceptions, that is obtained as part of providing postpartum care for up to one year postpartum or disclosed while women are seeking or participating in behavioral health treatment.

For the 2019-20 state fiscal year, the bill appropriates \$500,000 from the general fund to the department of human services, office of early childhood, to implement the child care services and substance use disorder treatment pilot program.

APPROVED by Governor May 23, 2019

EFFECTIVE May 23, 2019

H.B. 19-1237 Behavioral health entities - single license - advisory committee timelines - appropriation. Currently, certain entities that provide behavioral health services must hold various licenses issued by the department of public health and environment (CDPHE) or the department of human services (DHS). The act combines the various licenses into a single license as a behavioral health entity (BHE) and authorizes the state board of health to promulgate rules for the new license.

To accomplish the transition, the act establishes a behavioral health entity implementation and advisory committee consisting of executive directors of certain state departments, or the director's designee, and representatives from various stakeholder groups.

The act requires a BHE that was previously licensed by CDPHE to obtain a BHE license by July 1, 2022. It requires a BHE that was previously licensed or approved by DHS to obtain a BHE license by July 1, 2024.

The act makes conforming amendments, some of which have later effective dates.

For the 2019-20 state fiscal year, the act appropriates \$51,472 from the general fund to the department of public health and environment to implement the new license.

APPROVED by Governor June 3, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see vi of this digest.

H.B. 19-1287 Access to behavioral health treatment - capacity tracking system - care navigation program - building substance use disorder treatment capacity in underserved communities grant program - appropriation. The act:

- Directs the department of human services to implement a centralized, web-based behavioral health capacity tracking system to track available treatment capacity at behavioral health facilities and at programs for medication-assisted treatment and withdrawal management for substance use disorders, as well as other types of treatment;
- Directs the department of human services to implement a care navigation program to assist individuals in obtaining access to treatment for substance use disorders, including medical detoxification and residential and inpatient treatment; and
- Creates the building substance use disorder treatment capacity in underserved communities grant program to provide services in rural and frontier communities, prioritizing areas of the state that are unserved or underserved.

For the 2019-20 state fiscal year, the act appropriates:

- \$31,961 and 0.8 FTE to the department of health care policy and financing, executive director's office for personal services and operating expenses, with the expectation that the department will receive additional federal funding;
- \$5,589,344 and 2.5 FTE from the marijuana tax cash fund to the department of human services, office of behavioral health, for community behavioral health administration, the behavioral health capacity tracking system, the care navigation program, and the building substance use disorder treatment capacity in underserved communities grant program; and
- \$160,206 and 1.4 FTE from reappropriated funds received from the department of human services to the office of the governor for use by the office of information technology.

APPROVED by Governor May 14, 2019

EFFECTIVE May 14, 2019

HUMAN SERVICES - SOCIAL SERVICES

S.B. 19-31 Child welfare allocations committee - membership composition. The act increases the number of voting members on the child welfare allocations committee (committee) who are appointed by county commissioners from 8 to 10. The act decreases the number of voting members on the committee who are appointed by the department of human services from 5 to 3. The act requires the 2 additional county commissioner appointed voting members to come from the 2 counties with the greatest percentage of the state's child welfare caseload, with one appointee coming from each county.

The act creates 2 nonvoting member positions on the committee who are appointed by the department of human services. The 2 nonvoting members must have knowledge and experience in the following areas, including but not limited to:

- Federal funding related to child welfare;
- The federal "Family First Prevention Services Act of 2018";
- Interests of individuals with a disability; or
- Interests of individuals experiencing poverty.

APPROVED by Governor April 8, 2019

EFFECTIVE April 8, 2019

S.B. 19-63 Early childhood leadership commission - infant and family child care strategic action plan. The act requires the department of human services (department), in consultation with the early childhood leadership commission (commission) and various stakeholders, to draft a strategic action plan addressing the declining availability of family child care homes and infant child care.

The act requires the department to submit the completed strategic action plan to the commission; the state board of human services; the joint budget committee; the health and human services and education committees of the senate, or any successor committees; and the public health care and human services and education committees of the house of representatives, or any successor committees, no later than December 1, 2019.

The act anticipates the department will receive \$50,688 in federal funds to implement this act for the 2019-20 state fiscal year.

APPROVED by Governor April 23, 2019

EFFECTIVE April 23, 2019

S.B. 19-164 Medicaid - home- and community-based services - extend in-home support services waiver program. The act implements the recommendations of the department of regulatory agencies' sunset review by extending the repeal date of in-home support services for certain home- and community-based services (HCBS) waivers under the Colorado medical assistance program by 9 years, from 2019 to 2028. Prior to the repeal, the department of regulatory agencies shall conduct a sunset review of the program.

The act amends the eligibility definition for in-home support services, removing the reference to specific HCBS waivers and including those waivers for which there is state and

federal authority for in-home support services. The act also removes language relating to an obsolete reporting requirement.

APPROVED by Governor May 30, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-230 Immigration - refugee services. The act codifies the existing Colorado refugee services program (program) that is administered by the state department of human services (department) pursuant to a 1994 executive order. The act establishes the program in the department and designates the department as the agency responsible for the development, review, and administration of Colorado's refugee services plan (state plan). The program must be administered in accordance with the state plan and must include certain services and assistance for refugees in accordance with the state plan and the federal "Immigration and Nationality Act". The program may provide additional services and assistance to support refugee resettlement and integration. The general assembly is permitted to appropriate money to the department for the administration of the program.

APPROVED by Governor May 28, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-245 Food stamp program - rule-making - appeal deadline. The act grants the department of human services rule-making authority to require any party to file a notice of intent to file exceptions with the state department within five days after service of the initial decision upon the party, or otherwise forgo the ability to file exceptions.

APPROVED by Governor May 28, 2019

EFFECTIVE May 28, 2019

S.B. 19-258 Title IV-E waiver demonstration project - extension - administrative costs in foster care proceedings - allocation of child welfare money to counties - appropriation. The act authorizes the state department of human services (department) to pursue federal reimbursement for Title IV-E administrative costs associated with independent legal representation in foster care proceedings. The act creates a fund for fees collected for reimbursement of these administrative costs.

The act extends the repeal date of the Title IV-E waiver demonstration project by one year to June 30, 2020.

The act clarifies provisions relating to the annual close-out process for small- and medium-sized counties and for all counties, including provisions relating to the allocation of unspent appropriations. The act creates 2 accounts within the child welfare prevention and intervention services cash fund (fund) and relocates general provisions relating to the fund within the statute. The act clarifies that all money in the fund must be used for the delivery of child welfare prevention and intervention services that have been approved by the department.

For the 2019-20 state fiscal year, the act adjusts the appropriation made to the department of human services in the annual general appropriation act for child welfare services by \$9,700,000 to reflect federal child welfare funding allocations, and appropriates \$9,700,000 to the child welfare prevention and intervention services cash fund for use for child welfare prevention and intervention services.

APPROVED by Governor May 23, 2019

EFFECTIVE May 23, 2019

H.B. 19-1063 Protective services - access to records - information sharing between APS and CPS. The act allows adult protective services (APS) to access child abuse or neglect records and reports when the information is necessary for APS to adequately assess the safety, risk, or provision of services for an at-risk adult.

The act prohibits a substantiated perpetrator from receiving any identifying information about the person who made a report of the mistreatment or self-neglect of an at-risk adult.

The act allows any person named as an at-risk adult in a report, or the person's guardian or guardian ad litem, to access the report without a court order. The disclosure must not include any identifying information about the person who made the report. The act requires a court order if the substantiated perpetrator is the guardian of the at-risk adult.

The act allows child protective services (CPS) to access information about mistreatment or self-neglect of an at-risk adult, without a court order, when the information is necessary for CPS to adequately assess the safety, risk, or provision of services for a child.

The act limits the disclosure of information shared from APS and CPS to information regarding prior or current referrals, assessments, investigations, or related case information involving an at-risk adult and an alleged perpetrator.

APPROVED by Governor March 21, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1147 Colorado brain injury program - Colorado brain injury trust fund - board - appropriation. The act makes revisions to the Colorado traumatic brain injury program (program) and the program board, including:

- Renaming the program, the trust fund board, and the trust fund to remove "traumatic" from the titles and making conforming amendments in other statutes to reflect the new names;
- Defining "brain injury" to replace the definition of "traumatic brain injury";
- Requiring the trust fund board to include members who have experienced a brain injury, family members of persons who have experienced a brain injury, and those with specific personal or professional experience with brain injuries;
- Removing obsolete dates relating to trust fund board appointments;
- Removing the specific statutory listing of potential services under the program and clarifying that all persons served by the program receive service

- coordination and skills training and may receive other services as determined by the trust fund board;
- Allowing the trust fund board to prioritize services and eligibility for services while ensuring fidelity to the program's original intent to serve individuals with brain injuries;
- Removing a restriction on the use of general fund money for the program trust fund;
- Removing general provisions relating to the administration of the program; and
- Removing the fee collected by municipalities for speeding traffic offenses and increasing fees currently collected for other offenses for the benefit of the trust fund.

For the 2019-20 state fiscal year, the act appropriates \$450,000 from the general fund to the Colorado brain injury trust fund and reappropriates money from the trust fund for use in the Colorado brain injury program.

APPROVED by Governor May 14, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1223 Aid to the needy disabled program - applications - navigation assistance - appropriation. The act creates a program to help persons with disabilities participating in the state aid to the needy disabled program navigate the application process for federal disability benefits, including supplemental security income and social security disability insurance. The program is provided by participating county departments of human or social services (county departments) and is administered by the state department of human services (state department).

Funding for the program is distributed to participating county departments pursuant to an allocation formula determined by state department rules after the state department receives input from counties, county representatives, and other relevant stakeholders.

The act describes the services that may be provided by county departments participating in the program, including assistance with compiling and drafting supporting documentation for the application for federal disability benefits and assistance in completing and submitting the application.

The state department shall evaluate the program pursuant to the time frame set forth in the act to determine if the program is meeting the program goals described in the act.

The act creates the disability benefits application assistance fund and requires the state treasurer and controller to annually transfer to the fund money appropriated for the aid to the needy disabled program that remains unencumbered and unexpended at the end of the fiscal year.

For the 2019-20 state fiscal year, the act appropriates \$1,450,000 from the marijuana tax cash fund to the department of human services for adult assistance programs and

disability benefit application program funding.

APPROVED by Governor May 31, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1307 Protective services - access to records - clarifies disclosure of report to at-risk adult. House Bill 19-1063, concerning the ability to share information between county adult protective services with county child protective services as well as at-risk adults obtaining their own information, allowed an at-risk adult to access a report of the mistreatment or self-neglect of an at-risk adult (report) without a court order, but the act did not specify that only the individual who is the subject of the report may access the report. This act clarifies that a court order is not required when a report of the mistreatment or self-neglect of an at-risk adult is disclosed to the at-risk adult who is the subject of the report.

APPROVED by Governor May 31, 2019

EFFECTIVE May 31, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1308 Child welfare - foster care prevention services - qualified residential treatment programs - federal compliance. The act authorizes the department of human services (department) to establish and implement a foster care prevention services program for families with children and youth who are candidates for foster care but who can safely remain at home with receipt of foster care prevention services. Eligible recipients of foster care prevention services include children and youth and their parents, legal custodians, legal guardians, and kin caregivers when their needs are directly related to the safety, permanent placement, or well-being of the child or youth.

If a child or youth is placed in a qualified residential treatment program (QRTP), the court or the administrative review division of the department is required to review the assessment and needs of the child or youth and determine whether placement in the QRTP is appropriate.

The act requires a county department of human or social services (county department) to submit certain evidence to the court during each review and permanency hearing of a child or youth placed in a QRTP. A county department may provide foster care prevention services to a child or youth and the parents or kin caregivers of the child or youth upon the receipt of a report of intrafamilial abuse or neglect or human trafficking.

The act adds the federal "Family First Prevention Services Act" as a program to be administered by the department. The act also adds foster care prevention services to the definition of child welfare services. The act requires the department to implement the utilization of foster care prevention services and qualified residential treatment programs when the federal government approves the state's five year Title IV-E prevention plan.

APPROVED by Governor May 23, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

INSURANCE

S.B. 19-4 Health care cooperatives - consumer protections - consumers negotiating rates. The act modernizes laws authorizing health care cooperatives in the state to incorporate consumer protections such as coverage for preexisting conditions and to encourage consumers to help control health care costs by negotiating rates on a collective basis directly with providers. The act authorizes the commissioner of insurance to apply for a federal waiver as necessary to implement the act.

APPROVED by Governor May 17, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-41 Health insurance - required contract provisions between a carrier and a health care provider - payment of premiums - provision of benefits. The act requires a contract for a health benefit plan between a carrier and a policyholder to state, as an alternative to existing premium payment requirements, that a policyholder must pay premiums to the carrier through the date that the individual covered under the policy is no longer eligible or covered if the policyholder notifies the carrier within 10 business days after the date of ineligibility or noncoverage because the individual left employment without notice to the employer or the employee was terminated for gross misconduct.

The act also clarifies that:

- If the policyholder notifies the carrier within the 10-day period, the carrier is not required to provide benefits to the individual after the date that the individual is no longer eligible or covered; and
- A carrier and a policyholder may agree to a different date where premium payments are not required.

APPROVED by Governor April 8, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1150 Consumer insurance council - recreation - membership - meetings - expense reimbursement - sunset review. The act recreates and reenacts the consumer insurance council and its duties and responsibilities, as they existed prior to the repeal of the council on July 1, 2018, with the following modifications:

- The council's authority to issue annual consumers' choice awards to health insurers is not reenacted;
- The council is to consist of at least 6 members and not more than 15 members, consumers not engaged in the insurance industry may serve on the council, the council is to reflect the state's demographic diversity in addition to geographic diversity but need not include representation from each congressional district in the state, and the commissioner is to timely appoint members to the council;
- Members are to be reimbursed for actual and necessary expenses incurred in

- traveling to and from council meetings, including any required dependent care and dependent or attendant travel, food, and lodging expenses;
- The council is to meet quarterly and may request to meet up to 4 more times per year; and
- The council is authorized to submit recommendations to the commissioner, and the commissioner is required to timely respond to council recommendations.

The council is scheduled for sunset review and repeal on September 1, 2029.

APPROVED by Governor April 16, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1168 Reinsurance program - creation - payments for high-cost insurance claims - program contingent on federal waiver or funding approval - special fees - premium tax revenues - other funding sources - cash fund created - appropriation - repeal. The act authorizes the commissioner of insurance to apply to the secretary of the United States department of health and human services for a state innovation waiver, federal funding, or both, to allow the state to implement and operate a two-year reinsurance program to assist health insurers in paying high-cost insurance claims. The state cannot implement the program absent waiver or funding approval from the secretary. The program is established as an enterprise for purposes of section 20 of article X of the state constitution so long as the program satisfies enterprise status requirements.

The commissioner is to establish payment parameters at levels to effectuate targeted insurance premium reductions. The payment parameters include:

- The attachment point, above which claims costs are eligible for reinsurance payments;
- The coinsurance rate at which the program will reimburse carriers for claims above the attachment point; and
- The reinsurance cap, above which claims costs are no longer eligible for reinsurance payments from the program.

The commissioner is authorized to assess special fees against hospitals and, under specified circumstances, against health insurers to provide funding for the program. Additionally, the program is to receive money from the following sources to operate the program:

- Federal pass-through funding or other federal funds made available for the program;
- For the 2020-21 and 2021-22 fiscal years, an amount of premium tax revenues collected under current law that exceeds the amount collected in calendar year 2019;
- \$15 million in 2020 and \$40 million in 2021 from the general fund, contingent on the passage of House Bill 19-1245; and
- Any money the general assembly appropriates to the program fund.

The act creates the reinsurance program cash fund and continuously appropriates the money in the fund to the division of insurance to operate the program. The commissioner is also authorized to seek, accept, and expend gifts, grants, or donations from private or public sources.

The program repeals on September 1, 2023, unless the federal government denies the waiver or funding request, in which case the program repeals upon that denial.

\$785,904 is appropriated to the department of regulatory agencies for use by the division of insurance to implement the act.

APPROVED by Governor May 17, 2019

EFFECTIVE May 17, 2019

NOTE: House Bill 19-1245 was signed by the governor, May 17, 2019.

H.B. 19-1174 Health insurance - out-of-network health care services - disclosures - claims - reimbursement rates - deceptive trade practice - rules - appropriation. The act:

- Requires health insurance carriers, health care providers, and health care facilities to provide patients covered by health benefit plans with information concerning the provision of services by out-of-network providers and in-network and out-of-network facilities;
- Outlines the disclosure requirements and the claims and payment process for the provision of out-of-network services;
- Requires the commissioner of insurance, the state board of health, and the director of the division of professions and occupations in the department of regulatory agencies to promulgate rules that specify the requirements for disclosures to consumers, including the timing, the format, and the contents and language in the disclosures;
- Establishes the reimbursement amount for out-of-network providers that provide health care services to covered persons at an in-network facility and for out-of-network providers or facilities that provide emergency services to covered persons; and
- Creates a penalty for failure to comply with the payment requirements for out-of-network health care services.

The act appropriates \$33,884 from the general fund to the department of public health and environment and \$63,924 from the division of insurance cash fund to the division of insurance to implement the act.

Specified provisions of the act are contingent upon House Bill 19-1172 becoming law.

APPROVED by Governor May 14, 2019

EFFECTIVE January 1, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1176 Health care cost analysis task force - creation - analysis of health care financing systems - report - gifts, grants, and donations - repeal - appropriation. The act

creates the health care cost analysis task force (task force). The president of the senate, the minority leader of the senate, the speaker of the house of representatives, and the minority leader of the house of representatives shall each appoint one legislative member to the task force. The governor shall appoint 4 members to the task force. The executive directors of the departments of human services, public health and environment, and health care policy and financing, or their designees, also serve on the task force.

The task force is required to issue a competitive solicitation in order to select an analyst to provide a detailed analysis of fiscal costs and other impacts to 3 health care financing systems. The health care financing systems to be analyzed are:

- The current health care financing system, in which residents receive health care coverage from private and public insurance carriers or are uninsured;
- A multi-payer universal health care system, in which all residents of Colorado are covered under a plan with a mandated set of benefits that is publicly funded and paid for by employer and employee contributions; and
- A publicly financed and privately delivered universal health care system that directly compensates providers.

The analyst may use the same specified criteria when conducting the analysis of each health care financing system.

The task force is required to report the findings of the analyst to the general assembly.

The task force may seek, accept, and expend gifts, grants, and donations for the analysis. The general assembly may appropriate money to the health care cost analysis cash fund for the purposes of the task force, the analysis, and reporting requirements.

The act appropriates \$92,649 to the department of health care policy and financing from the general fund to implement the act.

APPROVED by Governor May 31, 2019

EFFECTIVE May 31, 2019

H.B. 19-1211 Health care coverage - prior authorization for health care services - publication of requirements and restrictions - deadline for making determination - required criteria - exceptions for compliant providers - duration of prior authorization - rules. With regard to the prior authorization process used by carriers or private utilization review organizations (organizations) acting on behalf of carriers to review and determine whether a particular health care service prescribed by a health care provider is approved as a covered benefit under the patient's health benefit plan, the act requires carriers and organizations to:

- Publish and update their prior authorization requirements and restrictions;
- Comply with specified deadlines for making a determination on a prior authorization request;
- Use current, clinically based prior authorization criteria that are aligned with other quality initiatives of the carrier or organization and with other carriers' and organizations' prior authorization criteria for the same health care service; and
- Consider limiting the use of prior authorization to providers whose prescribing or ordering patterns differ significantly from the patterns of their peers after

adjusting for patient mix and other relevant factors.

The act authorizes a carrier or organization to offer providers with a history of adherence to the carrier's or organization's prior authorization requirements an alternative to prior authorization, including an exemption from prior authorization for providers with an 80% approval rate of prior authorization requests over the previous 12 months. Carriers and organizations are to annually reevaluate a provider's eligibility for exemption from or other alternative to prior authorization requirements.

If a carrier or organization fails to make a determination within the time required, the request is deemed approved.

An approved prior authorization request is valid for at least 180 days, with some exceptions, and continues for the duration of the authorized course of treatment.

The commissioner of insurance is authorized to adopt rules as necessary to implement the act.

APPROVED by Governor May 13, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1216 Prescription insulin drugs - 30-day supply - cost-sharing cap - appropriation. Effective January 1, 2020, the act caps the cost sharing a covered person is required to pay for prescription insulin drugs at \$100 per 30-day supply of insulin.

The act requires the department of law to investigate the pricing of prescription insulin drugs and submit a report of its findings to the governor, the commissioner of insurance, and the judiciary committees of the senate and house of representatives.

\$26,054 is appropriated to the department of regulatory agencies for use by the division of insurance to implement the act.

APPROVED by Governor May 22, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1233 Primary care - collaborative created - affordability standards - targets - payment reform recommendations. The act:

- Establishes a primary care payment reform collaborative in the division of insurance in the department of regulatory agencies;
- Requires the commissioner of insurance to establish affordability standards for premiums, including adding targets for carrier investments in primary care; and
- Requires the department of health care policy and financing and carriers who offer health benefit plans to state employees to set targets for investment in

primary care.

APPROVED by Governor May 16, 2019

EFFECTIVE May 16, 2019

H.B. 19-1253 Living organ donors - discrimination prohibited - duty to make information available to the public. The act:

- Prohibits a person who offers life insurance, disability income insurance, health insurance, or long-term care insurance from discriminating against a person based solely on the person's status as a living organ donor;
- Requires the division of insurance (division) to provide information to the public on a living organ donor's access to insurance; and
- Requires the division and the department of public health and environment to make materials related to live organ donation available to the public if the materials are from a recognized organ donation organization.

APPROVED by Governor May 30, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1269 Behavioral, mental health, and substance use disorders - parity in coverage - private insurance - medicaid - coverage of medication-assisted treatment - parity reporting requirements - compliance with federal law - complaints from ombudsman for behavioral health access to care - rules - appropriation. The act enacts the "Behavioral Health Care Coverage Modernization Act" to address issues related to coverage of behavioral, mental health, and substance use disorder services under private health insurance and the state medical assistance program (medicaid).

With regard to health insurance, the act:

- Specifies that mandatory insurance coverage for behavioral, mental health, and substance use disorders includes coverage for the prevention of, screening for, and treatment of those disorders and must comply with the federal "Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008" (MHPAEA) (section 3 of the act);
- Requires services for behavioral, mental health, and substance use disorders to continue while a claim for coverage of those services is under review until the carrier notifies the covered person of the determination on the claim (section 3);
- Requires carriers to comply with treatment limitation requirements specified in federal regulations and precludes carriers from applying nonquantitative treatment limitations to behavioral, mental health, and substance use disorder services that do not apply to medical and surgical benefits (section 3);
- Requires carriers to establish procedures to authorize treatment by nonparticipating providers when a participating provider is not available under network adequacy requirements and to reimburse treatment or services for behavioral, mental health, or substance use disorders obtained from a nonparticipating provider because the covered service was not available within

established time and distance standards using the same methodology the carrier uses to reimburse covered medical services provided by nonparticipating providers (section 3);

- Requires the commissioner of insurance (commissioner) to adopt rules to establish reasonable time periods for visits with a provider for treatment of a behavioral, mental health, or substance use disorder after an initial visit with a provider (section 3);
- Modifies the definition of "behavioral, mental health, and substance use disorder" to include diagnostic categories listed in the mental disorders section of the International Statistical Classification of Diseases and Related Health Problems, the Diagnostic and Statistical Manual of Mental Disorders, or the Diagnostic Classification of Mental Health and Developmental Disorders of Infancy and Early Childhood (section 3);
- Updates the required coverage related to alcohol use and behavioral health screenings to reflect the current requirements of that coverage as specified in recommendations of the United States preventive services task force (section 3);
- Requires the commissioner to disapprove a carrier's requested rate increase for failure to demonstrate compliance with the MHPAEA in accordance with rules adopted by the commissioner (section 5);
- For purposes of denials of reimbursement for behavioral, mental health, or substance use disorder services, other than denials based on nonpayment of premiums, requires carriers to include specified information about the protections included in the MHPAEA, how to contact the division of insurance or the office of the ombudsman for behavioral health access to care (office) related to possible violations of the MHPAEA, and the right to request medical necessity criteria from the carrier free of charge (section 6);
- For health benefit plans issued or renewed on or after January 1, 2020, requires carriers that provide coverage for an annual physical examination as a preventive health care service to also cover and reimburse for behavioral health screenings using a validated screening tool for behavioral health to the same extent the physical examination is covered (section 8);
- Requires carriers to submit an annual parity report to the commissioner and requires the commissioner to examine complaints received from the office regarding compliance with the requirements of the act or the MHPAEA upon the request of the office (section 9);
- Starting January 1, 2020, for a carrier that provides prescription drug benefits for the treatment of substance use disorders, with regard to prescription medications that are on the carrier's formulary, requires the carrier to provide coverage of any FDA-approved prescription medication for treating substance use disorders without prior authorization or step therapy requirements and to place at least one covered substance use disorder prescription medication on the lowest tier of the drug formulary, and precludes those carriers from excluding coverage for those medications and related services solely on the grounds that they were court ordered (section 10); and
- Requires the commissioner to provide a report by December 1, 2022, to specified legislative committees regarding the effects of the act on premiums (section 10).

With regard to medicaid, the act:

- Requires the department of health care policy and financing (department) to ensure that medicaid covers behavioral, mental health, and substance use disorder services to the extent that medicaid covers a physical illness and complies with the MHPAEA (section 11);
- Requires the medical services board (state board) to establish a procedure, by rule, to allow for reimbursements of medically necessary state plan behavioral, mental health, or substance use services under medicaid when a managed care entity (MCE) denies coverage of the service based on diagnosis (section 11);
- Requires the statewide system of community behavioral health care in the managed care system to require MCEs to provide an adequate network of providers of behavioral, mental health, and substance use disorder services and to cover all medically necessary covered treatments for covered behavioral health diagnoses, regardless of any co-occurring conditions (section 12);
- Requires the department to include utilization management guidelines for the MCEs in state board managed care rules and to provide information on its website specifying how the public may request the network adequacy plans and quarterly network reports for an MCE (section 12);
- Requires the department to examine complaints received from the office regarding compliance with the requirements of the act or the MHPAEA upon the request of the office (section 12);
- Requires MCEs to include specified statements regarding the applicability of the MHPAEA to the managed care system in medicaid and how to contact the office regarding possible violations of the MHPAEA (section 14);
- Requires the department to submit an annual parity report to specified legislative committees and to contract with an external quality review organization annually to monitor MCEs' utilization management programs and policies to ensure compliance with the MHPAEA (section 15); and
- Starting January 1, 2020, requires an MCE that provides prescription drug benefits for the treatment of substance use disorders to provide coverage of any FDA-approved prescription medication for treating substance use disorders without prior authorization or step therapy requirements and precludes those MCEs from excluding coverage for those medications and related services solely on the grounds that they were court ordered (section 15).

The act appropriates \$167,000 to the department of health care policy and financing and \$88,248 to the department of regulatory agencies to implement the act.

APPROVED by Governor May 16, 2019

EFFECTIVE May 16, 2019

H.B. 19-1283 Automobile insurance policy disclosures - liability - appropriation. The act requires an insurer that provides or may provide commercial automobile or personal automobile liability insurance coverage that pays all or a portion of a pending or prospective claim to provide to a claimant via mail, facsimile, or electronic delivery, within 30 calendar days after receiving a written request from the claimant, a statement setting forth the following information with regard to each known policy of insurance of the named insured, including excess or umbrella insurance:

- The name of the insurer;
- The name of each insured party, as the name appears on the declarations page

- of the policy;
- The limits of the liability coverage; and
- A copy of the policy.

An insured party, upon written request of a claimant or a claimant's attorney, shall disclose to the claimant or claimant's attorney the name and coverage of each known insurer of the insured party.

An insurer that violates the disclosure requirement is liable to the requesting claimant for damages in an amount of \$100 per day, beginning on and including the 31st day following the receipt of the claimant's written request. The penalty accrues until the insurer provides the information required. An insurer that fails to make a required disclosure is also responsible for attorney fees and costs incurred by a claimant in enforcing the penalty.

The claimant and any attorney of the claimant shall not disclose the disclosed information to any party; except that the claimant and an attorney of the claimant may discuss the information with the claimant's insurer.

The act appropriates \$12,599 to the department of regulatory agencies from the division of insurance cash fund to implement the act.

APPROVED by Governor May 22, 2019

EFFECTIVE January 1, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1291 Regulation of insurance companies - corporate governance annual disclosures. The act establishes, with amendments, certain model laws of the National Association of Insurance Commissioners concerning corporate governance annual disclosures (CGADs) by insurers and insurance groups (insurers). On June 1, 2020, and on June 1 of each year thereafter, an insurer shall submit to the commissioner of insurance (commissioner) a CGAD that contains sufficient information to permit the commissioner to gain and maintain an understanding of the insurer's corporate governance framework.

The act establishes confidentiality requirements for the commissioner and any third-party consultants retained by the commissioner.

The act states that any insurer that fails, without just cause, to timely file a CGAD shall pay, after notice and a hearing, a penalty of \$200 for each day's delay. The maximum penalty is \$25,000.

The act allows the commissioner to act as the group-wide supervisor for an internationally active insurance group or to designate or acknowledge another regulatory official as the group-wide supervisor for an internationally active insurance group that:

- Does not have substantial insurance operations in the United States;
- Has substantial insurance operations in the United States, but not in Colorado; or
- Has substantial insurance operations in the United States and in Colorado, but the commissioner has determined pursuant to certain criteria that the other

regulatory official is the appropriate group-wide supervisor.

The act describes certain permissible supervisory activities for the commissioner to perform while acting as a group-wide supervisor of an internationally active insurance group.

APPROVED by Governor May 16, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1301 Health insurance - required coverage - breast cancer screening with noninvasive imaging. The act requires health care coverage for breast cancer screening studies and subsequent breast imaging using the noninvasive imaging modality appropriate for each individual, as determined by the individual's health care provider, and within the appropriate use guidelines as determined by the American College of Radiology or the National Comprehensive Cancer Network.

The act applies to policies and contracts issued or renewed on or after January 1, 2021.

APPROVED by Governor May 16, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

LABOR AND INDUSTRY

S.B. 19-61 Self-contained breathing apparatus - testing and certification - administration by department of public safety - rule-making authority - appropriation. Currently, local fire departments and other users of self-contained breathing apparatus (SCBA) rely on certification under standards promulgated by the United States department of transportation (DOT) or the national institute for occupational safety and health (NIOSH) for quality control of pressure vessels. These certifications are considered valid through the vessel's recommended service life, but that service life is finite.

Section 1 of the act declares that, with the emergence of new technology to test the continuing safety of vessels that are at the end of their initial recommended service life, vessels that remain safe can and should be recertified for an additional period rather than discarded, resulting in a saving of tax dollars for local governments.

Sections 2 and 3 give the director of the division of fire prevention and control in the department of public safety the authority to inspect SCBA equipment and, if necessary, to write rules governing the inspection and certification of pressure vessels. Any such rules must incorporate or recognize current DOT or NIOSH standards for certification and recertification with regard to any technology that is accepted by those federal agencies.

\$40,291 is appropriated to the department of public safety for use by the division of fire prevention and control to implement the act.

APPROVED by Governor May 20, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-85 Wage discrimination based on sex - complaints - civil action - exceptions to prohibitions against wage differentials - prohibited acts of employer - employment announcements required - enforcement - rules. The act removes the authority of the director of the division of labor standards and statistics in the department of labor and employment (director) to enforce wage discrimination complaints based on an employee's sex and instead authorizes the director to create and administer a process to accept and mediate complaints of, and provide legal resources concerning, alleged violations and to promulgate rules for this purpose. An aggrieved person may bring a civil action in district court to pursue remedies specified in the act.

The act allows exceptions to the prohibition against a wage differential based on sex if the employer demonstrates that a wage differential is not based on wage rate history and is based upon one or more of the following factors, so long as the employer applies the factors reasonably and they account for the entire wage rate differential:

- A seniority system;
- A merit system;
- A system that measures earnings by quantity or quality of production;
- The geographic location where the work is performed;
- Education, training, or experience to the extent that they are reasonably related to the work in question; or

- Travel, if the travel is a regular and necessary condition of the work performed.

The act prohibits an employer from:

- Seeking the wage rate history of a prospective employee or requiring disclosure of wage rate as a condition of employment;
- Relying on a prior wage rate to determine a wage rate;
- Discriminating or retaliating against a prospective employee for failing to disclose the employee's wage rate history;
- Discharging or retaliating against an employee for actions by an employee asserting the rights established by the act against an employer; or
- Discharging, disciplining, discriminating against, or otherwise interfering with an employee for inquiring about, disclosing, or discussing the employee's wage rate.

The act requires an employer to announce to all employees employment advancement opportunities and job openings and the pay range for the openings. The director is authorized to enforce actions against an employer concerning transparency in pay and employment opportunities, including fines of between \$500 and \$10,000 per violation.

Employers are also required to maintain records of job descriptions and wage rate history for each employee while employed and for 2 years after the employment ends. Failure to maintain these records creates a rebuttable presumption, in a lawsuit alleging wage discrimination based on sex, that the records not maintained contained information favorable to the employee's claim.

APPROVED by Governor May 22, 2019

EFFECTIVE January 1, 2021

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-171 Apprenticeship resource directory - creation - appropriation. The act requires the department of labor and employment (department) to create the Colorado state apprenticeship resource directory. The department is required to collect detailed information on each apprenticeship program in the state, including the application process, costs, program outcomes, and requirements for enrollment. The department is required to promote the availability of the directory.

\$25,507 is appropriated to the department from the general fund to implement the act.

APPROVED by Governor May 28, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-188 Paid family and medical leave - study - task force created - appropriation. The act creates a study of the implementation of a paid family and medical leave program in the state by:

- Requiring the department of labor and employment to contract with experts in the field of paid family and medical leave to report on the establishment of a paid family and medical leave program for employees in the state;
- Requiring the department to request information from third parties that may be willing to administer all or part of a paid family and medical leave program;
- Creating the family and medical leave implementation task force, which is responsible for recommending a plan to implement a paid family and medical leave program for the state; and
- Requiring an actuarial study of the final plan recommended by the task force.

To implement the act, \$165,487 is appropriated to the department of labor and employment and \$17,004 is appropriated to the department of public health and environment. Both appropriations are from the general fund.

APPROVED by Governor May 30, 2019

EFFECTIVE May 30, 2019

H.B. 19-1025 Hiring practices - limitations on criminal history inquiries - exceptions - enforcement - appropriation. Effective September 1, 2019, for employers with 11 or more employees, and effective September 1, 2021, for all employers, employers are prohibited from:

- Advertising that a person with a criminal history may not apply for a position;
- Placing a statement in an employment application that a person with a criminal history may not apply for a position; or
- Inquiring about an applicant's criminal history on an initial application.

An employer may obtain a job applicant's publicly available criminal background report at any time.

An employer is exempt from the restrictions on advertising and initial employment applications when:

- The law prohibits a person who has a particular criminal history from being employed in a particular job;
- The employer is participating in a program to encourage employment of people with criminal histories; or
- The employer is required by law to conduct a criminal history record check for the particular position.

The department of labor and employment (department) is charged with enforcing the requirements of the act and may issue warnings and orders of compliance for violations and, for second or subsequent violations, impose civil penalties. A violation of the restrictions does not create a private cause of action, and the act does not create a protected class under employment anti-discrimination laws. The department is directed to adopt rules regarding procedures for handling complaints against employers.

The department is appropriated \$38,113 from the employment support fund and 0.6 FTE to implement the act.

APPROVED by Governor May 28, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1107 Employment support and job retention services program - creation - administering entity - eligibility - appropriation. The act creates the employment support and job retention services program (program) within the division of employment and training (division) in the department of labor and employment to provide emergency employment support and job retention services to eligible individuals in the state. The director of the division (director) is required to contract with an entity to administer the program to provide reimbursement to service providers for employment support and job retention services provided to eligible individuals statewide. In order to be eligible for services under the program, an individual must be 16 years of age or older, be eligible to work in the United States, have a household income that is at or below the federal poverty line, and be underemployed or unemployed and actively involved in employment preparation, job training, employment pursuit, or job retention activities. The director is required to establish procedures and guidelines to implement and set parameters for the operation of the program.

For the 2019-20 fiscal year, \$750,000 is appropriated from the general fund to the employment support and job retention services program cash fund, and the appropriation provides for an additional 0.5 FTE for the division.

APPROVED by Governor May 28, 2019

EFFECTIVE July 1, 2019

H.B. 19-1166 Background checks - criminal history record check - name-based criminal history record check. Certain persons subject to a fingerprint-based criminal history record check must submit to a name-based criminal history record check when the fingerprint-based check reveals a record of arrest but does not show a disposition in the case.

Specified provisions of the act are contingent upon House Bill 19-1172 becoming law.

APPROVED by Governor April 18, 2019

EFFECTIVE April 18, 2019

NOTE: House Bill 19-1172 was signed by the governor April 25, 2019.

H.B. 19-1210 Minimum wage - local government to establish - limitations - enforcement - reports - eligible nursing facility provider reimbursement. The act allows a unit of local government to establish a minimum wage for individuals performing, or expected to perform, 4 or more hours of work for an employer in the local government's jurisdiction.

A minimum wage established by a local government is subject to the following limitations:

- Prior to enacting a minimum wage law, the local government is required to consult with surrounding local governments and various stakeholders;
- A minimum wage established by a local government must provide a tip offset equal to the tip offset provided in the state constitution;
- The minimum wage law must not apply to time spent in a local government's jurisdiction solely for the purpose of traveling through the jurisdiction to a

- destination outside of the local government's boundaries;
- All employed adult employees and emancipated minors shall be paid not less than the enacted minimum wage;
- A local minimum wage increase must take effect on the same date as a scheduled increase to the statewide minimum wage; and
- If a local minimum wage exceeds the statewide minimum wage, the local government may only increase the local minimum wage each year by up to \$1.75 or 15%, whichever is higher.

A local government that enacts a minimum wage law may adopt provisions for the local enforcement of the law.

By July 1, 2021, the executive director of the department of labor and employment is required to issue a written report regarding local minimum wage laws in the state. If notified by the executive director of the department of labor and employment that a local government has enacted a minimum wage that exceeds the statewide minimum wage, the executive director of the department of health care policy and financing is required to submit a report to the joint budget committee with certain recommendations related to provider rates.

If 10% of local governments enact local minimum wage laws, a local government that has not enacted a local minimum wage law is prohibited from enacting a local minimum wage law until the general assembly has given authorization for additional local minimum wage laws by amending this act.

The executive director of the department of health care policy and financing is required to establish a process for eligible nursing facility providers to apply for a local minimum wage enhancement payment to be used to increase the compensation of its employees whenever a local government increases its minimum wage above the statewide minimum wage.

APPROVED by Governor May 28, 2019

EFFECTIVE January 2, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1254 Employees - sharing gratuities - notice requirements. The act repeals a provision that requires employers with employees who share gratuities to post a specific sign in a conspicuous place and substitutes a requirement to notify each patron in writing, such as on the menu, table, or receipt.

APPROVED by Governor May 13, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1314 Just transition support for coal-related jobs - office created - advisory committee - just transition plan - workforce transition plan - report - sunset review - appropriation. The act creates the just transition office in the division of employment and training in the department of labor and employment. A just transition advisory committee will

develop a draft just transition plan, and the director of the office will submit a final just transition plan to the governor and general assembly, regarding proposed:

- Benefits to be given to coal transition workers to enable them to support themselves and their families and to access and complete education and training, resulting in being hired for high-quality jobs;
- Grants to be awarded to eligible entities in coal transition communities that seek to create a more diversified, equitable, and vibrant economic future for those communities; and
- Sources of funding.

The just transition advisory committee is scheduled for repeal in 2025, subject to sunset review.

An electric utility that proposes the accelerated retirement of a coal-fueled electric generating facility shall submit to the office and the affected community a workforce transition plan at least 6 months before the retirement of the facility.

The director shall submit a report to the general assembly by January 1, 2024, containing recommended legislative changes to the act.

\$155,758 is appropriated from the general fund to the department of labor and employment and \$920 from the general fund to the general assembly for the implementation of the act.

APPROVED by Governor May 28, 2019

EFFECTIVE May 28, 2019

MOTOR VEHICLES AND TRAFFIC REGULATION

S.B. 19-18 Commercial driver's licenses - interstate commerce - 18 to 21 years of age. The act authorizes the department of revenue to adopt rules authorizing a person who is at least 18 years of age but under 21 years of age to be licensed to drive a commercial vehicle in interstate commerce if the person holds a commercial driver's license and operation of a commercial vehicle in interstate commerce by a person in that age range is permitted under federal law.

APPROVED by Governor February 20, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-32 Hazardous materials - routing for transport. The act authorizes a public highway authority or a governmental partner in a public-private partnership to apply to the Colorado state patrol (CSP) for a new or modified hazardous materials route designation for a road or highway that it directly or indirectly maintains. The act also requires the department of transportation (CDOT) to conduct a study to assess the feasibility of allowing the transportation of hazardous materials through the Eisenhower-Edwin C. Johnson Memorial Tunnel and prepare a study report no later than December 1, 2020, that includes findings and recommendations as to whether and under what conditions the transportation of hazardous materials through the tunnel should be allowed. CDOT must solicit input from representatives of specified counties, towns, communities, ski resorts, industries, organizations, and emergency services providers and from the department of public safety, including representatives of the division of fire prevention and control and the CSP, regarding the scope of the study and must consider specified information and criteria and conduct specified types of analysis when conducting the study.

APPROVED by Governor April 8, 2019

EFFECTIVE April 8, 2019

S.B. 19-54 Surplus military vehicles - certificates of title - on-road and off-road use - appropriation. The act defines surplus military vehicles as off-highway vehicles for the purposes of titling these vehicles and of using these vehicles on and off road. These changes in the definition are as follows:

- A surplus military vehicle may be titled as an off-highway vehicle;
- A surplus military vehicle is not registered as a motor vehicle; and
- A surplus military vehicle is treated as an off-highway vehicle for the purposes of on-road use and off-road use.

These changes do not apply to military vehicles that are valued for historical purposes.

To implement the act, \$45,000 is appropriated to the department of revenue from the Colorado DRIVES vehicle service account.

APPROVED by Governor May 30, 2019

EFFECTIVE July 1, 2019

S.B. 19-139 Driver's licenses and other identification documents - persons not lawfully present - appropriation. The act requires the department of revenue to issue identification documents, such as driver's licenses, at 10 or more offices geographically distributed throughout the state. The new offices are phased in, so that the department will have 8 offices open by January 1, 2020, and 10 offices open by July 1, 2020.

\$1,737,800 is appropriated to the department of revenue from the licensing services cash fund to implement the act.

APPROVED by Governor May 28, 2019

EFFECTIVE May 28, 2019

S.B. 19-144 Signals, signs, and markings - inoperable or malfunctioning signals - allowing a driver of a motorcycle to proceed past a malfunctioning traffic control signal. Under current law, when a driver approaches an intersection and faces a traffic control signal that is inoperative or that remains on steady red or steady yellow during several time cycles, the rules controlling entrance to a through street or highway from a stop street or highway apply until a police officer assumes control of traffic or until normal operation is resumed. If a traffic control signal at a place other than an intersection ceases to operate or malfunctions, drivers may proceed through the inoperative or malfunctioning signal only with caution, as if the signal were one of flashing yellow.

The act states that when a motorcycle driver approaches an intersection and faces a traffic control signal that does not recognize the presence of the motorcycle, the provisions controlling entrance to a through street or highway from a stop sign or highway apply until a police officer assumes control of traffic or the traffic signal resumes normal operation.

APPROVED by Governor April 23, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-167 Registration - special license plates - professional fire fighters - appropriation. The act creates a Colorado professional fire fighters license plate. To be issued the plate, a qualified applicant must pay 2 one-time \$25 fees and make a donation to a nonprofit organization selected by the department of revenue.

To implement the act, \$56,364 is appropriated to the department of revenue.

APPROVED by Governor May 20, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-175 Serious bodily injury to a vulnerable road user - appropriation. The act makes it a class 1 traffic misdemeanor when careless driving of a motor vehicle is the proximate cause of serious bodily injury to a vulnerable road user, which is defined in the act. The act allows the court to require the violator to attend a driver improvement course and to require the violator to perform useful public service. The act also subjects a violator to a restitution

order and 12 points pursuant to the point system schedule.

For the 2019-20 state fiscal year, the act appropriates \$1,575 from the licensing services cash fund to the department of revenue for use by the division of motor vehicles.

APPROVED by Governor May 29, 2019

EFFECTIVE May 29, 2019

S.B. 19-205 Motor vehicle registration - license plates - women veterans - appropriation. The act creates a license plate to honor women veterans of the United States armed forces. To be issued the plate, an applicant must pay 2 one-time \$25 fees.

To implement the act, \$14,771 is appropriated to the department of revenue from the license plate cash fund and the Colorado DRIVES vehicle services account.

APPROVED by Governor May 20, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-256 Registrations and certificates of title - electronic issuance - appropriation. To electronically issue registrations and certificates of title, the act appropriates \$1,187,502 out of gifts, grants, and donations and to the department of revenue for the 2019-20 and 2020-21 state fiscal years.

APPROVED by Governor May 28, 2019

EFFECTIVE May 28, 2019

H.B. 19-1023 Driver's licenses - foster children - automobile insurance - appropriation. Section 1 of the act clarifies that a minor who is at least 16 years of age can purchase auto insurance.

Section 2 exempts a foster child from being required, when being issued a driver's license, to have his or her foster parent or other legal guardian sign an affidavit of liability if the child holds evidence of financial responsibility in his or her own name. Section 2 also:

- Authorizes counties to provide a service that exempts foster children from needing a foster parent or other legal guardian to sign an affidavit of liability. The county may accept and expend gifts, grants, or donations to implement this program.
- Lowers to 17 the age at which the county need not obtain permission of a foster parent to obtain an instruction permit without a responsible adult signing an affidavit of liability; and
- Repeals a provision that authorizes a foster child to obtain an instruction permit if enrolled in a driving school.

Section 3 allows any person who is at least 21 years of age and who holds a driver's license to sign a foster child's driving logs if the person provided the instruction.

Section 4 authorizes anyone who is at least 21 years of age and who holds a driver's

license to instruct a foster child with a driving permit notwithstanding that the person did not sign the affidavit of liability.

Section 5 directs the transportation legislation review committee to examine barriers to foster children meeting the 50-hour driving requirement while holding an instruction permit and to foster children obtaining automobile liability insurance.

Section 6 appropriates \$6,750 to the department of revenue to implement the act.

APPROVED by Governor May 20, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1138 Registration - fees and surcharges - appropriation. The act requires the department of revenue to give prorated credit for registration fees and surcharges on a vehicle that is sold before the vehicle's registration year ends. The credit is applied to vehicles subsequently registered.

To implement the act, \$7,200 is appropriated to the department of revenue from the Colorado DRIVES vehicle services account in the highway users tax fund.

APPROVED by Governor May 20, 2019

EFFECTIVE January 1, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1207 Traction control equipment. The act amends the traction-control statute, which requires certain equipment during a winter storm, by:

- Updating the equipment options to authorize current technology and traction options;
- Setting minimum standards for tires; and
- Requiring the traction equipment to be carried on I-70 between milepost 133 (Dotsero) and milepost 259 (Morrison) from September 1 through May 31 for icy or snow-packed conditions.

APPROVED by Governor May 17, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1221 Electric scooters - regulation - authorizing use on roadways. Electric scooters, which are lightweight, motorized transportation devices, with handlebars, that obtain a maximum speed of 20 miles per hour when powered by motor, are currently regulated as toy vehicles. Toy vehicles are authorized for use on sidewalks, but not for use on roadways.

The act excludes electric scooters from the definition of "toy vehicle" and includes

electric scooters in the definition of "vehicle", thus authorizing the use of electric scooters on roadways. The act affords riders of electric scooters the same rights and duties that riders of electrical assisted bicycles have under Colorado law.

Section 5 of the act authorizes a local government to regulate the operation of an electric scooter in a manner that is no more restrictive than the manner in which the local government may regulate an electrical assisted bicycle.

APPROVED by Governor May 23, 2019

EFFECTIVE May 23, 2019

H.B. 19-1255 Registration - special license plates - Mesa Verde National Park. The act creates the Mesa Verde National Park license plate. To be issued the plate, an applicant must pay 2 one-time \$25 fees and make a donation to a nonprofit organization selected by the department of revenue.

APPROVED by Governor May 29, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1265 Traffic infractions - passing authorized snow plows in echelon formation - appropriation. The act states that a person commits a class A traffic offense if the person passes a snowplow that is operated by a state, county, or local government, displaying its lights, and performing its service function in echelon formation with one or more other such snowplows. "Echelon formation" means a formation in which snowplows are arranged diagonally, with each unit stationed behind and to the right, or behind and to the left, of the unit ahead.

\$3,375 is appropriated to the department of revenue to implement the act.

APPROVED by Governor May 17, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1298 Dedicated electric vehicle charging stations - misuse - penalties. The act authorizes the owner of a plug-in electric motor vehicle charging station to install a sign that identifies the station. If the sign is installed, a person is prohibited from:

- Parking in the space if the vehicle is not an electric vehicle; and
- Using a dedicated charging station for parking if the electric vehicle is not charging.

An electric vehicle is rebuttably presumed to not be charging if the electric vehicle is parked in a charging station and is not electrically connected to the charger for longer than 30 minutes. A person may park an electric vehicle at a charging station after the electric vehicle is fully charged in a parking lot:

- That serves a lodging business if the person is a client of the lodging business and has parked the electric vehicle in the lot to charge overnight;
- That serves an airport if the person is a client of the airport and has parked the electric vehicle in the lot to charge when traveling; or
- Between the hours of 11 p.m. and 5 a.m.

The penalty for a violation is a \$150 fine and a \$32 surcharge.

APPROVED by Governor May 31, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1300 Certificates of title - vehicle identification number - certified inspection - fee. The act raises the fee for performing a certified vehicle identification number inspection from \$20 to \$50 and provides for the fee to be adjusted annually to account for inflation. A peace officer's certification to perform these inspections expires 3 years after issuance unless renewed.

APPROVED by Governor May 23, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1321 Drivers' licenses - renting or loaning a motor vehicle - use of electronic device for verification of driver's license. Current law prohibits a person from renting a motor vehicle to another person until the prospective lessor of the vehicle has inspected the prospective lessee's driver's license and compared and verified the signature on the license with the prospective lessee's signature in his or her presence. The act removes the requirement that the inspection be performed in the prospective lessee's presence and provides that the inspection may be performed through the use of an electronic device and must verify only that the license is unexpired.

Current law requires a person who rents a motor vehicle to another person to keep a record of the registration number of the motor vehicle, the name and address of the other person, the number of the license of the other person, and the date and place when and where the license was issued. The act removes the requirement that the record include the date that the license was issued and permits the person who rents the motor vehicle to maintain the record in an electronic format.

APPROVED by Governor May 31, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

NATURAL RESOURCES

S.B. 19-70 Natural resources foundation fund. The act repeals language authorizing the department of natural resources to receive or reject gifts and devises of money or property to be credited to the Colorado natural resources foundation fund and updates it with authorizing language that is current and consistent with language used throughout the statutes. The act changes the name of the fund that the money is credited to from the Colorado natural resources foundation fund to the Colorado natural resources gifts, grants, and donations fund.

APPROVED by Governor March 7, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-160 Division of parks and wildlife - licensing of river outfitters - continuation under sunset law. The act implements the recommendation of the department of regulatory agencies' sunset review and report on the licensing of river outfitters by the division of parks and wildlife within the department of natural resources by continuing these functions until September 1, 2028.

The act exempts the training of guides, trip leaders, and guide instructors from the authority of the private occupational schools division in the department of higher education.

The act requires the parks and wildlife commission, rather than the chief of the Colorado state patrol, to promulgate rules to establish insurance requirements for vehicles used by river outfitters.

APPROVED by Governor June 3, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-162 River outfitter advisory committee - continuation under sunset law. The act implements the recommendation of the department of regulatory agencies in its sunset review and report on the river outfitter advisory committee by continuing the committee indefinitely.

APPROVED by Governor May 17, 2019

EFFECTIVE May 17, 2019

S.B. 19-181 Oil and gas operations - air quality regulation - local government authority - oil and gas conservation commission - composition - authority - financial assurance requirements - pooling - appropriation. The act prioritizes the protection of public safety, health, welfare, and the environment in the regulation of the oil and gas industry by modifying the oil and gas statutes and by clarifying, reinforcing, or establishing various aspects of local governments' regulatory authority over the surface impacts of oil and gas development.

Current law specifies that local governments have so-called "House Bill 1041"

powers, which are a type of land use authority over oil and gas mineral extraction areas, only if the Colorado oil and gas conservation commission (commission) has identified a specific area for designation. Sections 1 and 2 of the act repeal that limitation.

Section 3 directs the air quality control commission to review its rules to consider whether to adopt more stringent rules and to adopt rules to minimize emissions of methane and other hydrocarbons, volatile organic compounds, and oxides of nitrogen.

Section 4 clarifies that local governments have land use authority to regulate the siting of oil and gas locations to minimize adverse impacts to public safety, health, welfare, and the environment and to regulate land use and surface impacts, including the ability to inspect oil and gas facilities; impose fines for leaks, spills, and emissions; and impose fees on operators or owners to cover the reasonably foreseeable direct and indirect costs of permitting and regulation and the costs of any monitoring and inspection program necessary to address the impacts of development and enforce local governmental requirements. Section 4 also allows a local government or oil and gas operator to request the director of the commission to convene a technical review board to evaluate the effect of the local government's preliminary or final determination on the operator's application.

Section 5 repeals an exemption for oil and gas production from counties' authority to regulate noise.

The remaining substantive sections of the act amend the "Oil and Gas Conservation Act" (Act). The legislative declaration for the Act states that it is in the public interest to "foster" the development of oil and gas resources in a manner "consistent" with the protection of public health, safety, and welfare, including protection of the environment and wildlife resources; this has been construed to impose a balancing test between fostering oil and gas development and protecting public health, safety, and welfare. Section 6 states that the public interest is to "regulate" oil and gas development to "protect" those values.

Currently, the Act defines "waste" to include a diminution in the quantity of oil or gas that ultimately may be produced. Section 7 excludes from that definition the nonproduction of oil or gas as necessary to protect public health, safety, welfare, the environment, or wildlife resources. Section 7 also repeals the requirement that the commission take into consideration cost-effectiveness and technical feasibility with regard to actions and decisions taken to minimize adverse impacts and repeals the limitation of the term "minimize adverse impacts" to wildlife resources.

The 9-member commission currently includes the executive directors of the departments of natural resources and public health and environment as ex officio members, 3 members who must have substantial experience in the oil and gas industry, and one member who must have training or experience in environmental or wildlife protection. Section 8 reduces the number of industry members to one and requires one member with training or substantial experience in wildlife protection; one member with training or substantial experience in environmental protection; one member with training or substantial experience in soil conservation or reclamation or technical expertise relevant to the issues considered by the commission; one member who is an active agricultural producer or a royalty owner; and one member with training or substantial experience in public health. This version of the commission is repealed on the earlier of July 1, 2020, or the date on which 3 specific rules promulgated by the commission have become effective. On that date, section 9, which creates a professional 5-member commission (along with the 2 ex officio executive

directors), becomes effective.

Section 10 requires the director of the commission to hire up to 2 deputy directors. Upon receipt of a request for a technical review, the director is required to appoint technical review board members.

The Act currently specifies that the commission has exclusive authority relating to the conservation of oil or gas. Section 11 clarifies that nothing in the Act alters, impairs, or negates the authority of:

- The air quality control commission to regulate the air pollution associated with oil and gas operations;
- The water quality control commission to regulate the discharge of water pollutants from oil and gas operations;
- The state board of health to regulate the disposal of naturally occurring radioactive materials and technologically enhanced naturally occurring radioactive materials from oil and gas operations;
- The solid and hazardous waste commission to regulate the disposal of hazardous waste and exploration and production waste from oil and gas operations; or
- A local government to regulate land use related to oil and gas operations, including specifically the siting of an oil and gas location.

Currently, an operator first gets a permit from the commission to drill one or more wells within a drilling unit, which is located within a defined area, and then notifies the applicable local government of the proposed development and seeks any necessary local government approval. Section 12 requires operators to file, with the application for a permit to drill, either: Proof that the operator has already filed an application with the affected local government to approve the siting of the proposed oil and gas location and of the local government's disposition of the application; or proof that the affected local government does not regulate the siting of oil and gas locations. Section 12 also specifies that, until the commission has promulgated rules regarding 3 specific topics and the rules have become effective, the director may delay the final determination regarding a permit if the director, following a public comment period, determines that the permit requires additional analysis to ensure the protection of public health, safety, and welfare or the environment or requires additional local government or other state agency consultation.

Pursuant to commission rule, an operator may submit a statewide blanket financial assurance of \$60,000 for fewer than 100 wells or \$100,000 for 100 or more wells. Section 12 directs the commission to adopt rules that require financial assurance sufficient to provide adequate coverage for all applicable requirements of the Act. Current law allows the commission to set numerous fees used to administer the Act and sets a \$200 or \$100 cap on the fees. Section 12 eliminates the caps and requires the commission to set a permit application fee in an amount sufficient to recover the commission's reasonably foreseeable direct and indirect costs in conducting the analysis necessary to assure that permitted operations will be conducted in compliance with all applicable requirements of the Act.

Current law gives the commission the authority to regulate oil and gas operations so as to prevent and mitigate "significant" adverse environmental impacts to the extent necessary to protect public health, safety, and welfare, taking into consideration cost-effectiveness and technical feasibility. Section 12 requires the commission to protect and

minimize adverse impacts to public health, safety, and welfare, the environment, and wildlife resources and protect against adverse environmental impacts on any air, water, soil, or biological resource resulting from oil and gas operations. Section 12 also requires the commission to adopt rules that require alternate location analyses for oil and gas facilities that are proposed to be located near populated areas and that evaluate and address the cumulative impacts of oil and gas development. Finally, section 12 directs the commission to promulgate rules to:

- Ensure proper wellbore integrity of all oil and gas production wells, including the use of nondestructive testing of weld joints and requiring certification of several categories of oil and gas workers;
- Allow public disclosure of flowline information and to evaluate and determine when a deactivated flowline must be inspected before being reactivated; and
- Evaluate and determine when inactive, temporarily abandoned, and shut-in wells must be inspected before being put into production or used for injection.

Section 13 modifies the commission's administrative procedures, including by taking into account determinations made by administrative law judges.

Current law authorizes "forced" or "statutory" pooling, a process by which "any interested person", typically an operator who has at least one lease or royalty interest, may apply to the commission for an order to pool oil and gas resources located within a particularly identified drilling unit. After giving notice to interested parties and holding a hearing, the commission can adopt a pooling order to require an owner of oil and gas resources within the drilling unit who has not consented to the application (nonconsenting owner) to allow the operator to produce the oil and gas within the drilling unit notwithstanding the owner's lack of consent. Section 14 requires that the owners of more than 45% of the mineral interests to be pooled must have joined in the application for a pooling order and that the application include either: Proof that the applicant has already filed an application with the affected local government to approve the siting of the proposed oil and gas facilities and of the local government's disposition of the application; or proof that the affected local government does not regulate the siting of oil and gas facilities. Section 14 also specifies that the operator cannot use the surface owned by a nonconsenting owner without permission from the nonconsenting owner.

Current law also sets the royalty that a nonconsenting owner is entitled to receive at 12.5% of the full royalty rate until the consenting owners have been fully reimbursed (out of the remaining 87.5% of the nonconsenting owner's royalty) for their costs. Section 14 raises a nonconsenting owner's royalty rate during this pay-back period from 12.5% to 13% for gas and 16% for oil and makes corresponding reductions of the portions of the nonconsenting owner's royalty from which the consenting owners' costs are paid.

Current law requires the commission to ensure that the 2-year average of the unobligated portion of the oil and gas conservation and environmental response fund does not exceed \$6 million and that there is an adequate balance in the environmental response account in the fund to address environmental response needs. Section 15 directs the commission to ensure that the unobligated portion of the fund does not exceed 50% of total appropriations from the fund for the upcoming fiscal year and that there is an adequate balance in the account to support the operations of the commission and to address environmental response needs.

Section 16 specifies that for permit-specific conditions for wildlife habitat protection, the commission is required to consult with and obtain consent from a surface owner only if the permit-specific conditions directly impact the affected surface owner's property or use of that property.

Section 17 amends preemption law by specifying that both state agencies and local governments have authority to regulate oil and gas operations and establishes that local government requirements may be more protective or stricter than state requirements.

Section 18 appropriates \$851,010 to the department of natural resources to implement the act.

APPROVED by Governor April 16, 2019

EFFECTIVE April 16, 2019

H.B. 19-1006 Forest restoration and wildfire risk mitigation grant program cash fund - appropriations. The act permits the forest restoration and wildfire risk mitigation grant program cash fund (fund) to accept as a component of the fund money appropriated or transferred to the fund by the general assembly. The act also expresses the intent of the general assembly that any additional amount of money appropriated for the 2019-20 state fiscal year to the fund be expended on grants that will support the maximum number of effective forest management fuels reduction projects to reduce the impacts to life, property, and critical infrastructure caused by wildfire.

The act exempts appropriations made to the fund from existing statutory requirements relating to appropriations for financial assistance to students attending postsecondary education institutions.

For the 2019-20 state fiscal year, the act appropriates \$1 million from the general fund to be deposited into the fund for the use of the forest restoration and wildfire risk mitigation grant program.

APPROVED by Governor May 31, 2019

EFFECTIVE May 31, 2019

H.B. 19-1026 Parks and wildlife - increased fines - disposition of fines collected. With regard to fines imposed for violations of laws enforced by the division of parks and wildlife in the department of natural resources (division), the act changes the amount of certain fines and modifies the disposition of money collected from fines.

Under current law, the state treasurer is required to credit half of the money collected from a fine imposed for a violation of laws enforced by the division to the general fund and half of the money to either the fund administered by the division that is relevant to the type of violation committed, if a division officer issued the citation, or to the local government or other state agency whose law enforcement officer issued the citation. Sections 4, 24, 32, and 36 of the act modify the disposition of fines collected as follows:

- If a parks and wildlife officer issues a citation for a fine, the state treasurer is required to credit all of the money collected from the associated fine to the fund administered by the division that is relevant to the type of violation committed; or

- If any other Colorado peace officer issues a citation for a fine, the state treasurer is required to credit half of the money collected from the associated fine to the fund administered by the division that is relevant to the type of violation committed and half of the money to the local government or other state agency whose law enforcement officer issued the citation.

Sections 3 and 35 increase the fine for a violation of a rule for which there is not an associated statutory penalty listed from \$50 to \$100.

Section 5 increases the following fines from \$50 to \$100: Procuring or using multiple licenses of the same type; possessing live wildlife without a license; fishing without a license; and hunting without having obtained a hunter education certificate.

Section 6 modifies the fines for unlawfully possessing fish, mollusks, crustaceans, amphibians, or reptiles so that the fine is \$35 for each such animal taken or possessed at one time.

Section 7 increases the fine from \$50 to \$150 for refusing to allow an officer of the division or other peace officer to inspect personal identification documents, licenses, firearms, records, or wildlife and increases the fine from \$50 to \$100 for failing to void a license or carcass tag as required by the parks and wildlife commission (commission) by rule.

Section 8 increases the fine for unlawfully transporting, exporting, importing, or releasing native wildlife from \$50 to \$200.

Section 9 increases the fine for hunting, trapping, or fishing on private property or for unlawfully posting on or otherwise indicating that public land is privately owned land from \$100 to \$200.

Section 10 increases the fines for failing to attempt to locate big game that has been wounded from \$100 to \$200 and for using wildlife as bait from \$100 to \$200.

Section 11 increases the fine from \$50 to \$100 for failing to wear fluorescent pink or daylight fluorescent orange garments while hunting elk, deer, pronghorn, moose, or black bear with a firearm.

Section 12 increases the fine for possessing a loaded firearm in a motor vehicle from \$50 to \$100.

Section 13 increases the fine for shooting from a public road from \$50 to \$100.

Section 14 increases the fine for using division property in violation of any commission rule from \$50 to \$100.

Section 15 increases the fine for knowingly luring a bear with food or edible waste from \$100 to \$200 for a first offense, \$500 to \$1,000 for a second offense, and \$1,000 to \$2,000 for a third or subsequent offense.

Section 16 authorizes the commission, by rule, to allow for the possession, importation, exportation, shipment, or transportation of an aquatic nuisance species.

Section 17 exempts from the prohibition against transferring park passes the transfer of a park pass pursuant to a commission rule regarding the manner by which a pass may be transferred.

Section 18 increases the fine from \$50 to \$100 for using or possessing certain vessels that have not been issued a number.

Section 19 increases the fine for violating certain personal watercraft equipment requirements from \$50 to \$100.

Section 20 increases the fine for violating the minimum age requirements for operating a motorboat from \$50 to \$100.

Section 21 increases the fine from \$50 to \$100 for operating a vessel: That is not properly equipped, in excess of noise restrictions, above wakeless speed, in violation of any commission rule, or, with respect to personal watercraft only, between 1/2 hour after sunset and 1/2 hour before sunrise. Section 21 also increases the fine for operating a vessel in a careless or imprudent manner from \$100 to \$200.

Section 22 increases the fine from \$100 to \$200 for operating water skis or similar devices in a careless manner or operating a vessel towing water skis or a similar device in a manner as to cause the device or person on the device to collide with or strike an object or person. Section 22 also requires a person on a stand-up paddleboard to have a readily accessible personal flotation device and increases the fine from \$50 to \$100 for failing to wear a personal flotation device on water skis or similar devices, violating commission rules regarding the safe operation of water skis or similar devices, or violating commission rules prohibiting the use of single-chambered air-inflated devices on rivers or streams under certain conditions.

Sections 23, 25 through 28, and 30 increase the fines for various snowmobile operational violations from \$50 to \$100.

Section 29 increases the fine for operating a snowmobile in a careless or imprudent manner from \$100 to \$200. Section 29 also increases the fine from \$50 to \$100 for a snowmobile owner who, while the owner's snowmobile is under the owner's control, allows another to operate the snowmobile in a careless or imprudent manner, in a manner in wanton or willful disregard for safety, or under the influence of alcohol or a controlled substance.

Section 31 increases the fine for operating an unnumbered, unregistered off-highway vehicle (OHV) from \$50 to \$100. Section 31 also increases the fine from \$35 to \$100 for operating a nonresident-owned or -operated OHV that does not have a valid license or registration from another state or has been in this state for more than 30 days but for which a permit has not been issued.

Section 33 increases the fine for operating an OHV in violation of road crossing restrictions from \$50 to \$100.

Section 34 increases the fine for operating an OHV without obtaining and displaying an off-highway use permit from \$50 to \$100.

Section 37 increases the fine for unlawful camping from \$50 to \$100 if the person is

camping in an area located in a state park or state recreation area that is not designated for camping and adds a fine in an amount equal to 5 times the cost of a permit for a campsite if the person is camping at a campsite without having obtained a valid permit.

Section 38 increases the fine from \$50 to \$100, with respect to a motor vehicle or vessel on property under the control of the division, for the following activities: Operating or parking outside of designated areas or in excess of posted speed limits; parking in a manner that impedes the normal flow of traffic; leaving a motor vehicle or vessel unattended for more than 24 hours; or operating or parking a motor vehicle without having first purchased a required pass or permit.

APPROVED by Governor June 3, 2019

EFFECTIVE July 1, 2019

H.B. 19-1113 Hard rock mining - mined land reclamation board - reclamation plan - water quality treatment - financial assurance. Current law does not address reliance on perpetual water treatment as the means to minimize impacts to water quality in a reclamation plan for a mining operation. Section 1 of the act requires most reclamation plans to demonstrate, by substantial evidence, a reasonably foreseeable end date for any water quality treatment necessary to ensure compliance with applicable water quality standards.

Current law allows a mining permittee to submit an audited financial statement as proof that the operator has sufficient funds to meet its reclamation liabilities in lieu of a bond or other financial assurance. Section 2 eliminates this self-bonding option and also requires that all reclamation bonds include financial assurances in an amount sufficient to protect water quality, including costs for any necessary treatment and monitoring costs.

APPROVED by Governor April 4, 2019

PORTIONS EFFECTIVE August 2, 2019

PORTIONS EFFECTIVE August 2, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1259 Species conservation trust fund projects - appropriation - transfers. The act appropriates \$3.9 million from the species conservation trust fund for programs submitted by the executive director of the department of natural resources that are designed to conserve native species that state or federal law list as threatened or endangered or that are candidate species or are likely to become candidate species as determined by the United States fish and wildlife service, allocated as follows:

- Native terrestrial wildlife conservation, \$615,500;
- Native aquatic wildlife conservation, \$839,000;
- Platte river recovery implementation program, \$1,940,000;
- Colorado river basin native fish recovery programs, \$205,500; and
- Federal endangered species act litigation program, \$300,000.

On July 1, 2019, the act transfers \$600,000 from the Colorado water conservation board construction fund to the species conservation trust fund.

For the 2019-20 state fiscal year and each of the 4 subsequent state fiscal years, the

act transfers \$5,000,000 from the severance tax operational fund to the species conservation trust fund.

APPROVED by Governor May 17, 2019

EFFECTIVE May 17, 2019

PROBATE, TRUSTS, AND FIDUCIARIES

S.B. 19-105 Directed trusts - Colorado Uniform Directed Trust Act. Under current law, the administration of trusts, including directed trusts, is generally governed by certain provisions in the probate code. The act repeals provisions governing directed trustees and creates a new "Colorado Uniform Directed Trust Act", which includes provisions concerning:

- Judicial proceedings;
- Trust directors' powers;
- Duties and liabilities of trust directors and directed trustees; and
- Powers that are excluded from the act.

APPROVED by Governor March 28, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1229 Estate planning documents - abandoned documents - preservation. The act creates the "Colorado Electronic Preservation of Abandoned Estate Planning Documents Act", which provides a procedure for determining whether an original will document (original document) is abandoned and, if so, the process for creating an electronic estate planning document (electronic document) of the abandoned original document, filing the electronic document with the state court administrator within the judicial department, and destruction of the original document. A will document includes, but is not limited to, wills, codicils, documents purporting to be wills, and other testamentary documents.

The state court administrator is permitted to enter into an interagency agreement with another state agency to maintain electronic documents. The act establishes a process for the state court administrator to provide access to electronic documents and sets requirements for the storage and deletion of electronic documents.

APPROVED by Governor May 22, 2019

EFFECTIVE January 1, 2021

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

PROFESSIONS AND OCCUPATIONS

S.B. 19-46 Real estate appraisers - appraisal management companies - definition. The act amends the definition of "appraisal management company" to align with the definition in federal law.

Specifies that certain sections take effect only if HB 19-1172 becomes law.

APPROVED by Governor March 25, 2019 **PORTIONS EFFECTIVE** March 25, 2019
PORTIONS EFFECTIVE October 1, 2019

S.B. 19-79 Prescribing health care practitioners - electronic prescribing of controlled substances - exceptions. The act requires health care practitioners with prescribing authority to prescribe schedule II, III, or IV controlled substances only via a prescription that is electronically transmitted to a pharmacy unless a specified exception applies. The requirement to electronically prescribe starts on July 1, 2021, for podiatrists, physicians, physician assistants, advanced practice nurses, and optometrists, and on July 1, 2023, for dentists and practitioners serving rural communities or in a solo practice. Prescribing practitioners are required to indicate on license renewal questionnaires whether they have complied with the electronic prescribing requirement.

Pharmacists need not verify the applicability of an exception to electronic prescribing when they receive an order for a controlled substance in writing, orally, or via facsimile transmission and may fill the order if otherwise valid under the law.

Specifies that certain sections take effect only if HB 19-1172 becomes law.

APPROVED by Governor April 8, 2019 **PORTIONS EFFECTIVE** August 2, 2019
PORTIONS EFFECTIVE October 1, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-99 Athlete agents - registration required - sunset review - appropriation. Athlete agents who represent students first became regulated in Colorado through the enactment of the "Uniform Athlete Agents Act" in 2008, which, among other requirements, required athlete agents to register with the department of regulatory agencies. The general assembly repealed the registration requirement in 2010.

The act enacts the "Revised Uniform Athlete Agents Act (2015)", drafted by the National Conference of Commissioners on Uniform State Laws. The revised act establishes new provisions for registration and renewal of registration for athlete agents, to be administered by the director of the division of professions and occupations in the department of regulatory agencies. The revised act is repealed in 2027, subject to sunset review.

\$42,056 is appropriated to the department of regulatory agencies for use by the division of professions and occupations from the division of professions and occupations

cash fund to implement the act.

Specified provisions of the act are contingent upon House Bill 19-1172 becoming law.

VETOED by Governor May 31, 2019

S.B. 19-133 Genetic counseling - new licensure requirement - sunset review - appropriation. The act enacts the "Genetic Counselor Licensure Act" (Act). On and after June 1, 2020, a person cannot practice genetic counseling without being licensed by the director of the division of professions and occupations in the department of regulatory agencies. To be licensed, a person must have been certified by a national body, except that the director may issue a provisional license to a candidate for certification pursuant to requirements established by rule.

The Act gives title protection to genetic counselors and standard licensing, rule-making, and disciplinary powers to the director. Genetic counselors must have insurance and are subject to the mandatory disclosures of the "Michael Skolnik Medical Transparency Act of 2010". The Act is repealed on September 1, 2026, subject to sunset review.

\$33,622 is appropriated to the department of regulatory agencies from the division of professions and occupations cash fund to implement the Act.

Sections 5 through 9 of the act are contingent upon House Bill 19-1172 becoming law.

VETOED by Governor May 31, 2019

S.B. 19-153 Podiatrists - regulation by podiatry board - grounds for discipline - examination requirement - letters of admonition - authority to perform bone marrow aspirations - continuation under sunset law. The act implements the recommendations of the department of regulatory agencies' sunset review and report on the regulatory functions of the Colorado podiatry board (board) as follows:

- Requires a podiatrist to notify the board of a physical illness, physical condition, or behavioral or mental health disorder that affects the podiatrist's ability to practice and allows the podiatrist and the board to enter into a confidential agreement to limit the podiatrist's practice based on the illness, condition, or disorder;
- Requires a podiatrist to pass an examination approved by the board for initial licensure as a podiatrist; and
- Eliminates the requirement that the board send letters of admonition by certified mail.

The act also allows the board to permit a podiatrist to perform bone marrow aspirations from the tibia distal to the tibial tubercle if the podiatrist meets the specified criteria.

The automatic termination date of the Colorado podiatry board is extended until September 1, 2026, pursuant to the provisions of the sunset law.

Specified provisions of the act are contingent upon House Bill 19-1172 becoming law.

APPROVED by Governor May 30, 2019

PORTIONS EFFECTIVE July 1, 2019
PORTIONS EFFECTIVE October 1, 2019

S.B. 19-154 Psychiatric technicians - regulation by state board of nursing - grounds for discipline - continuation under sunset law. The act implements the recommendations of the department of regulatory agencies' sunset review and report on the licensure and regulation functions of the state board of nursing (board) regarding psychiatric technicians as follows:

- Continues the functions of the board in licensing and regulating psychiatric technicians for 15 years, until September 1, 2034 (sections 1 and 2 of the act);
- Changes references to "accredited" psychiatric technician education programs to "approved" to more accurately reflect that the programs are approved by the board rather than accredited (sections 3, 5, 6, and 8);
- Modifies the grounds for discipline related to alcohol or substance use or abuse to eliminate reference to having an alcohol or substance use disorder and instead clarifying that a person is subject to discipline for habitual or excessive use or abuse of alcohol or drugs (section 7);
- Eliminates as a grounds for discipline having a physical disability or intellectual or developmental disability that renders the person unable to safely practice and instead subjects a person to discipline for failure to notify the board of, or act within the limitations created by, a physical illness or condition or behavioral, mental health, or substance use disorder that affects the psychiatric technician's ability to safely practice. Additionally, the act authorizes the board to enter into a confidential agreement with the psychiatric technician to limit his or her practice and makes failure to comply with the agreement grounds for discipline (sections 7 and 9).
- Removes the terms "willfully" and "negligently" from several grounds for disciplining a psychiatric technician (section 7); and
- Eliminates the requirement that the board send letters of admonition by certified mail (section 10).

Specified provisions of the act are contingent upon House Bill 19-1172 becoming law.

APPROVED by Governor May 13, 2019

PORTIONS EFFECTIVE May 13, 2019
PORTIONS EFFECTIVE October 1, 2019

S.B. 19-155 State board of accountancy - continuing education requirements - continuation under sunset law. The automatic termination date of the regulation of accountants by the state board of accountancy is extended until September 1, 2030, pursuant to the provisions of the sunset law.

The act implements the recommendations of the department of regulatory agencies' sunset review and report on the state board of accountancy by:

- Making the use of fraudulent, coercive, or dishonest practices, or the demonstration of incompetence, untrustworthiness, or financial irresponsibility, grounds for discipline (section 9 of the act);

- Clarifying that foreign corporations operating a Colorado office must register with the board and adding "limited liability partnership" to the list of business types that must register (section 8);
- Permitting a person that is not certified or registered to use an accounting designation that includes the word "management" conferred by a bona fide nationally recognized accounting organization if the designation does not purport to confer the right to perform audit or attest services (sections 4 and 7);
- Authorizing the board to take disciplinary action against uncertified or unregistered persons, including resident managers, if they provide services that require certification or registration (section 9);
- Allowing a person to request inactive status via any board-approved method (section 5); and
- Making technical changes (sections 5, 10, and 11).

Section 3 updates the names of several regional accrediting agencies. Section 6 specifies that a nonresident certificate holder's completion of continuing education requirements in the holder's home state satisfies the Colorado continuing education requirements.

Specified provisions of the act are contingent upon House Bill 19-1172 becoming law.

APPROVED by Governor May 20, 2019

PORTIONS EFFECTIVE May 20, 2019
PORTIONS EFFECTIVE October 1, 2019

S.B. 19-156 State electrical board - continuation under sunset law - contemporaneous reviews. The act implements the recommendations of the department of regulatory agencies' (department's) sunset review and report on the state electrical board by:

- Continuing the functions of the board for 13 years, until 2032 (sections 1 and 2 of the act);
- Repealing the limitations on the permit fees that local jurisdictions may charge (section 7);
- Clarifying that cables and systems utilized for conveying power are not exempt from regulation when they are hard-wired into a building's electrical system but that power-limited circuits are exempt (section 7);
- Defining "direct supervision", with regard to the oversight of apprentices, and "supervision" of electrical work (sections 3, 6, and 9);
- Repealing the requirement that the board notify an applicant that he or she is qualified to take a licensure examination (section 5);
- Directing the governor to consider that at least one of the 4 members of the board who must be a master or journeyman electrician should be an electrician who works primarily in the residential sector (section 4);
- Clarifying that traffic signals are exempt from regulation (section 7);
- Repealing redundant language regarding an inspection exemption and obsolete language regarding providing copies of the electrical code and standards (section 7); and
- Subjecting to regulation the alteration of existing facilities that are otherwise exempt from regulation (section 7).

Section 8 requires state electrical inspectors or inspectors employed by an incorporated town or city, county, city and county, or qualified state institution of higher education (entity) to develop standard procedures to advise inspectors on how to conduct a contemporaneous review to ensure compliance. Each entity must post its standard procedures on its public website and provide the director of the division of professions and occupations within the department with a link to the web page on which the standard procedures have been posted or, if the entity does not have a website, provide its current procedures to the director for posting on the department's website. The board can issue a cease-and-desist order to an entity that is conducting inspections that do not comply with statutory requirements.

Sections 10 through 17 are contingent upon House Bill 19-1172 becoming law.

APPROVED by Governor May 29, 2019

PORTIONS EFFECTIVE May 29, 2019

PORTIONS EFFECTIVE October 1, 2019

S.B. 19-159 Passenger tramway safety board - continuation under sunset law. The act implements some of the recommendations of the department of regulatory agencies' sunset review and report on the passenger tramway safety board (board) by:

- Continuing the functions of the board for 11 years, until 2030;
- Removing the requirement that letters of admonition be sent by certified mail; and
- Replacing statutory references to the program administrator with references to the program director.

Specified provisions of the act are contingent upon House Bill 19-1172 becoming law.

APPROVED by Governor May 17, 2019

EFFECTIVE May 17, 2019

S.B. 19-193 Colorado medical practice act - continuation under sunset law - pro bono license - letter of admonition - repeal. The act implements recommendations in the 2018 sunset review and report by the department of regulatory agencies by:

- Continuing the "Colorado Medical Practice Act" (Act) and the Colorado medical board (board) until September 1, 2026;
- Eliminating the restriction on the number of days that a physician may practice in a calendar year with a pro bono license;
- Repealing the requirement that the board send a letter of admonition to a licensee by certified mail; and
- Making technical amendments to the Act.

Specified provisions of the act are contingent upon House Bill 19-1172 becoming law.

APPROVED by Governor May 31, 2019

PORTIONS EFFECTIVE July 1, 2019

PORTIONS EFFECTIVE October 1, 2019

S.B. 19-234 Professional review committees - knowledge of reporting data - requirement to update information - rules - original source documents - committee membership -

requirement to notify medical and nursing board - continuation under sunset law. The act implements the recommendations of the department of regulatory agencies' sunset review and report on the functions of professional review committees as follows:

- Repeals references to the committee on anticompetitive conduct because the committee no longer exists and replaces the term "utilization and quality control peer review organization" with "quality improvement organization" to be consistent with federal law;
- Clarifies that governing boards reporting data, and the data reported, to the division of professions and occupations in the department of regulatory agencies or a regulatory board may be known to staff of the division;
- Requires governing boards to annually update their information with the division; and
- Requires the division to promulgate rules to determine the information a governing board is required to report and to establish a process to remove governing boards from the registry.

The act also:

- Defines "original source document", exempts such documents from the definition of "records", and specifies when the documents may be subject to subpoena, discovery, or use in a civil action;
- Encourages each professional review committee of a hospital to appoint a consumer to serve on the committee; and
- Repeals language requiring, in certain situations, a professional review committee for individuals licensed under the "Colorado Medical Practice Act" or the "Nurse Practice Act" to notify the medical board or nursing board, as applicable.

The automatic termination date of the functions of professional review committees is extended until September 1, 2030, pursuant to the provisions of the sunset law.

Specified provisions of the act are contingent upon House Bill 19-1172 becoming law.

APPROVED by Governor May 16, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1035 Electricians - local inspection fees - limitations. The act repeals the prohibition against local governments and state institutions of higher education charging more than 15% more than the state charges to perform an inspection of electrical work, and instead subjects the inspection fee to a \$120 cap that is adjusted annually for inflation with a potential additional 8% tiered charge based on the size or valuation of the inspected improvement.

Specified provisions of the act are contingent upon House Bill 19-1172 becoming law.

APPROVED by Governor April 10, 2019

PORTIONS EFFECTIVE August 2, 2019

PORTIONS EFFECTIVE October 1, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1077 Pharmacists - chronic maintenance drugs - dispense without prescription. The act allows a pharmacist to dispense an emergency supply of a chronic maintenance drug to a patient without a prescription if:

- The pharmacist is unable to obtain authorization to refill the prescription from a health care provider;
- The pharmacist has a record of a prescription in the name of the patient who is requesting the emergency supply of the chronic maintenance drug, or, in the pharmacist's professional judgment, the refusal to dispense an emergency supply will endanger the health of the patient;
- The amount of the chronic maintenance drug dispensed does not exceed the amount of the most recent prescription or the standard quantity or unit of use package of the drug;
- The pharmacist has not dispensed an emergency supply of the chronic maintenance drug to the same patient in the previous 12-month period; and
- The prescriber of the drug has not indicated that no emergency refills are authorized.

The act requires the state board of pharmacy to promulgate rules to establish standard procedures for dispensing chronic maintenance drugs. A pharmacist, the pharmacist's employer, and the original prescriber of the drug are not civilly liable for dispensing a chronic maintenance drug unless there is negligence, recklessness, or willful or wanton misconduct.

Specified provisions of the act are contingent upon House Bill 19-1172 becoming law.

APPROVED by Governor March 21, 2019 **PORTIONS EFFECTIVE** March 21, 2019
PORTIONS EFFECTIVE October 1, 2019

H.B. 19-1083 Athletic trainers - regulation - change from registration to licensing. The act changes the terms describing the regulation of athletic trainers from "registration" to "license" and "licensure" and from "registrant" and "registered athletic trainer" to "licensee".

APPROVED by Governor March 28, 2019 **EFFECTIVE** August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1086 Plumbing - registrants' demonstration of competency upon reinstatement - inspections. Section 1 of the act allows the state plumbing board (board) to require plumbing apprentices and plumbing contractors to demonstrate competency before reinstatement of an expired registration.

To reinstate a license or registration that has been expired for 2 or more years, a

person must demonstrate competency by:

- Providing verification of a license in good standing from another state and proof of active practice in that state for the year previous to the date of receipt of the reinstatement application;
- Satisfactorily passing the state plumbing examination; or
- Any other means approved by the board.

To reinstate a license or registration that has been expired for less than 2 years (other than the first renewal or reinstatement of a license for which, as a condition of issuance, the applicant successfully completed a licensing examination), a person must have completed 8 hours of continuing education for every 12 months that have passed after the later of the last date of renewal or reinstatement.

The board is required to adopt rules establishing continuing education requirements and standards.

Section 2 requires state plumbing inspectors, an incorporated town or city, county, city and county, or qualified state institution of higher education (inspecting entity) to conduct a contemporaneous review of each plumbing project inspected to ensure compliance with the plumbing law, including specifically licensure and apprentice requirements. However, each inspecting entity need not perform a contemporaneous review for each inspection of a project. Each inspecting entity shall develop standard procedures to advise inspectors on how to conduct a contemporaneous review. Each inspecting entity must post its standard procedures on its public website and provide the director of the division of professions and occupations within the department of regulatory agencies with a link to the web page on which the standard procedures have been posted or, if the inspecting entity does not have a website, provide its current procedures to the director for posting on the board's website. The board can issue a cease-and-desist order to an inspecting entity that is conducting inspections that do not comply with statutory requirements.

Specified provisions of the act are contingent upon House Bill 19-1172 becoming law.

APPROVED by Governor April 16, 2019

EFFECTIVE January 1, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1095 Medical practice - physician assistants - supervision requirements - liability - representation on Colorado medical board - appropriation. The act establishes supervisory requirements for physician assistants who:

- Have practiced for less than 3 years;
- Have practiced for 3 years or more; or
- Have practiced for at least 12 months and are making a substantive change in their scope of practice or practice area.

The act states that a licensed physician may be responsible for the direction and supervision of up to 8 physician assistants at any one time. A licensed physician shall not be made responsible for the direction and supervision of more than 4 physician assistants unless

the licensed physician agrees to assume the responsibility.

The act adds one more physician assistant as a member of the Colorado medical board (board), for a total of 2 physician assistant members, and adds a fourth member to the licensing panel established by the board president, which fourth member must be a physician assistant board member.

The act states that a physician assistant who has practiced for at least 3 years may be liable for damages resulting from negligence in providing care to a patient, unless the damages occur as a result of the physician assistant following a direct order from a supervising physician, and shall maintain professional liability insurance in an amount not less than \$1 million per claim and \$3 million for all claims.

For the 2019-20 fiscal year, the act appropriates \$4,650 to the department of regulatory agencies for use by the division of professions and occupations.

Specified provisions of the act are contingent upon House Bill 19-1172 becoming law.

APPROVED by Governor June 3, 2019

PORTIONS EFFECTIVE August 2, 2019

PORTIONS EFFECTIVE October 1, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1105 Advanced practice nurses with prescriptive authority - workers' compensation - ability to obtain level I accreditation. The act allows an advanced practice nurse with prescriptive authority to obtain level I accreditation under the "Workers' Compensation Act of Colorado".

APPROVED by Governor April 4, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1109 Pharmacies - authority of hospice or convalescent center to operate as a pharmacy. The act allows a licensed hospice or convalescent center to procure, store, order, dispense, and administer prescription medications.

Specified provisions of the act are contingent upon House Bill 19-1172 becoming law.

APPROVED by Governor March 7, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1129 Physicians - mental health care providers - conversion therapy for minors prohibited - disciplinary action. The act prohibits a licensed physician specializing in

psychiatry or a licensed, certified, or registered mental health care provider from engaging in conversion therapy with a patient under 18 years of age. A licensee who engages in these practices is subject to disciplinary action by the appropriate licensing board. "Conversion therapy" means efforts to change an individual's sexual orientation, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attraction or feelings toward individuals of the same sex.

Specified provisions of the act are contingent upon House Bill 19-1172 becoming law.

APPROVED by Governor May 31, 2019

PORTIONS EFFECTIVE August 2, 2019

PORTIONS EFFECTIVE October 1, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1172 Professions and occupations - organizational recodification of laws. Title 12 of the Colorado Revised Statutes relates primarily to the regulation of professions and occupations. In 2016, the general assembly enacted Senate Bill 16-163, which authorized a multi-year project to recodify title 12. In 2017 and 2018, the General Assembly enacted numerous bills to relocate from title 12 to other titles in the Colorado Revised Statutes all laws that do not relate to the regulation of professions and occupations. After the passage of those relocation bills, title 12 generally contains only laws administered by the department of regulatory agencies (DORA) that regulate a profession or occupation.

Section 1 of the act recodifies title 12, as contemplated by Senate Bill 16-163, by:

- Reorganizing and renumbering articles and parts within the title, all of which are administered by the division of real estate, the division of conservation, or the division of professions and occupations (DPO) within DORA;
- Relocating into title 12 statutes in part 1 of article 34 of title 24 of the Colorado Revised Statutes relating to the creation, powers, and duties of DPO in administering the laws regulating professions and occupations (practice acts);
- Creating common provisions that are generally applicable to all practice acts administered by DPO, except as otherwise specified, and modifying the various practice acts to eliminate redundancies with the common provisions; and
- Eliminating provisions in title 12 that are archaic or obsolete.

Article 1 of the recodified title 12 contains provisions that apply to the entire title. Article 10 includes the laws governing real estate, including the division of real estate within DORA, while article 15 includes laws governing conservation easements, including the division of conservation within DORA.

The remainder of the title relates to professions and occupations regulated by DPO within DORA. Article 20 includes laws relocated from title 24 relating to the creation of DPO and DPO's powers and duties and consolidated common provisions derived from the practice acts that relate to procedures, immunity, disciplinary and enforcement authority, and judicial review of final orders of DPO and the regulatory boards within DPO. Article 30 includes common provisions governing health care professions and occupations regulated

by DPO, including the "Michael Skolnik Medical Transparency Act of 2010", health care work force data collection requirements, and opioid prescribing limitations. Articles 100 to 315 contain the practice acts governing individual professions and occupations regulated by DPO.

The comparative tables detailing how the act reorganized and renumbered specific provisions in title 12 is located at <https://leg.colorado.gov/sites/default/files/images/olls/title-12-2019-comparative-table.pdf>.

Section 2 of the act relocates a law that prohibits the mandatory donation of services from title 12 to the "Administrative Organization Act of 1968" in title 24. Section 3 repeals relocated provisions from titles 24 and 25. To give agencies time to make necessary adjustments to their rules and forms, section 265 delays the effective date of the act until October 1, 2019.

APPROVED by Governor April 25, 2019

EFFECTIVE October 1, 2019

H.B. 19-1208 Health care - required head trauma guidelines for organized school athletic activities - physical therapists may authorize youth athletes' return to play. Current law states that if a youth athlete is removed from play because a coach suspects the youth athlete has sustained a concussion in a game, competition, or practice, the coach or other designated personnel shall not permit the youth athlete to return to play or participate in any supervised team activities involving physical exertion until the youth athlete is evaluated by a health care provider and receives written clearance to return to play from the health care provider. The act adds licensed physical therapists with training in pediatric neurology or concussion evaluation and management to the definition of "health care provider" for this purpose.

APPROVED by Governor May 6, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1212 Community association managers - reinstatement of licensing program - stakeholder process to recommend changes. The licensing program for community association managers (CAMs), who engage in the business of handling certain matters on behalf of the executive boards of common interest communities, was created in 2013 and sunsetted on July 1, 2018.

Section 1 of the act recreates and reenacts the CAM licensing program and the duties and responsibilities of the division of real estate and its director with regard to CAM licensing as they existed on June 30, 2018, with amendments reflecting a repeal date of September 1, 2020, and the creation of a stakeholder group to recommend changes to the governing statutes and rules on a list of specific issues, including:

- The scope of activities requiring licensure;
- Credentialing and appropriate supervision of apprentices;
- Guidelines and processes for the handling of complaints; and

- Other matters on which the director seeks input.

Section 2 of the act duplicates and carries forward all of the preceding content as part of the recodification of title 12, Colorado Revised Statutes, contingent on the passage of House Bill 19-1172.

VETOED by Governor May 31, 2019

H.B. 19-1242 Pharmacy technicians - regulation by state board of pharmacy - certification - provisional certification - criminal history record checks - renewal - continuing education - unprofessional conduct - discipline - supervision by pharmacist - authorized activities - sunset review - appropriation. The act requires pharmacy technicians practicing in Colorado on or after March 30, 2020, to obtain a certification from the state board of pharmacy (board). An applicant for certification by the board must provide proof of certification by a board-approved, nationally recognized organization that certifies pharmacy technicians and must either submit to a criminal history record check in the form and manner determined by the board by rule or provide evidence of submitting to a criminal history record check at the time of hire or as a condition of national certification as a pharmacy technician. If an applicant is not certified by a national certifying organization at the time of application for state certification, the board may grant a provisional certification to the applicant to allow the applicant up to 18 months or, if granted a hardship extension, an additional period determined by the board, to obtain national certification. A provisional certification is not renewable, and if the provisional certificant fails to obtain the national certification within the 18-month period or extended period granted by the board, the provisional certification expires and the person cannot practice as a pharmacy technician until the person satisfies all requirements for certification by the board.

To renew a certification, in addition to board requirements for renewal, a pharmacy technician must satisfy renewal and continuing education requirements of the national accrediting organization that certified the pharmacy technician.

Similar to pharmacists and interns, a pharmacy technician certified by the board is subject to the jurisdiction of the board and to discipline by the board for engaging in unprofessional conduct.

The act maintains the limitation on the number of interns and pharmacy technicians that a pharmacist may supervise but specifies that if the pharmacist is supervising 3 or more pharmacy technicians, a majority of the pharmacy technicians must be certified and all others must hold a provisional certification.

The regulation of pharmacy technicians by the board is subject to the same sunset review that applies to the board and its functions in regulating the practice of pharmacy.

\$183,063 is appropriated from the division of professions and occupations cash fund to the department of regulatory agencies (DORA) to implement the act, of which \$15,545 is reappropriated to the department of law for legal services for DORA. Additionally, \$128,188 is appropriated from the Colorado bureau of investigation identification unit fund to the department of public safety for use by the biometric identification and records unit to perform criminal history record checks.

Specified provisions of the act are contingent upon House Bill 19-1172 becoming law.

APPROVED by Governor June 3, 2019

EFFECTIVE October 1, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1290 Barbers, cosmetologists, estheticians, nail technicians, and hairstylists - examination for license - foreign work experience substitute - rules. The act allows an applicant for a barber, cosmetologist, esthetician, nail technician, or hairstylist examination to substitute foreign work experience for the required contact hours. The act authorizes the director of the division of professions and occupations in the department of regulatory agencies to promulgate rules to determine the manner in which an applicant must submit proof of foreign work experience and when an attestation of work experience may replace employment records as proof of experience.

Specified provisions of the act are contingent upon House Bill 19-1172 becoming law.

APPROVED by Governor May 16, 2019

PORTIONS EFFECTIVE August 2, 2019

PORTIONS EFFECTIVE October 1, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

PROPERTY

S.B. 19-88 Revised uniform unclaimed property act. The act replaces the current provisions relating to the disposition of unclaimed property with the "Revised Uniform Unclaimed Property Act" (RUUPA), as adopted by the National Conference of Commissioners on Uniform State Laws in 2016, but including a number of Colorado-specific amendments. The RUUPA responds to current transactions and practices, in particular electronic records, and seeks to promote uniformity among state laws regarding the disposition of unclaimed property.

The RUUPA is subdivided into 15 parts, which are summarized as follows:

- Part 1 establishes general provisions, including definitions for terms used in the RUUPA and authority for the administrator, who is the state treasurer, to make rules related to the RUUPA;
- Part 2 establishes standards to determine if property is abandoned. Under the RUUPA, property is presumed abandoned if it is unclaimed by its apparent owner after a specified period of time known as the dormancy period. Some of the dormancy periods in the RUUPA are shorter than current law. This part also includes a number of sections that are included in current law to exempt property from the RUUPA.
- Part 3 establishes priority rules for determining when the state may take custody of property that is presumed abandoned;
- Part 4 requires a holder of property presumed to be abandoned to provide a report to the administrator and to retain certain records;
- Part 5 establishes the notice that the administrator must provide to the apparent owner;
- Part 6 establishes how the administrator takes custody of property after it has been abandoned;
- Part 7 permits the administrator to sell property at a public sale after notice;
- Part 8 relates to the administration of property and keeps the requirement that the proceeds of property sold be deposited in the existing unclaimed property trust fund and the unclaimed property tourism promotion trust fund;
- Part 9 addresses claims to recover property from the administrator and includes existing provisions to allow offsets against the claim for child support; judicial restitution, fines, fees, or surcharges; and delinquent taxes and claims of the state;
- Part 10 permits the administrator to request a report from a person and to examine records to determine compliance with the RUUPA;
- Part 11 provides a holder with the right to appeal the administrator's determination concerning the holder's liability to deliver property or payment to the state;
- Part 12 establishes penalties for a holder that fails to comply with the RUUPA;
- Part 13 governs agreements between an apparent owner and a person commonly known as a "finder" who locates and recovers abandoned property on behalf of the owner;
- Part 14 addresses the confidentiality and security of information related to the abandoned property; and
- Part 15 includes miscellaneous provisions relating to the uniformity of construction, electronic signatures, a local government opt-out, and transitional interpretation.

The act also includes the "Unclaimed Life Insurance Benefits Act", which establishes the duty of an insurer to compare names of insured with the death master file and to verify a match found on the list. Benefits that are not able to be paid to designated beneficiaries or owners whom cannot be found are transferred to the administrator in accordance with the RUUPA.

APPROVED by Governor April 16, 2019

EFFECTIVE July 1, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-261 Unclaimed property trust fund - transfer - general fund. On July 1, 2019, the act requires the state treasurer to transfer \$30 million from the unclaimed property trust fund to the general fund. The amount transferred constitutes fiscal year spending subject to the state fiscal year spending limit.

APPROVED by Governor May 30, 2019

EFFECTIVE May 30, 2019

H.B. 19-1050 Water conservation - use of xeriscape and other drought-tolerant landscaping - common interest communities - special districts. Section 1 of the act augments an existing law that establishes the right of unit owners in common interest communities to use water-efficient landscaping, subject to reasonable aesthetic standards, by specifically extending the same policy to limited common elements, which are owned by the community and available for use by some but not all of the unit owners.

Sections 2 and 3 extend existing water conservation requirements, currently applicable only to certain public entities that supply water at retail and their customers, to property management districts and other special districts that manage areas of parkland and open space.

APPROVED by Governor March 7, 2019

EFFECTIVE March 7, 2019

H.B. 19-1082 Property - rights-of-way and ditches - extent of right-of-way. The act clarifies that a ditch right-of-way, unless expressly inconsistent with the terms upon which the right-of-way was created, includes the right to construct, operate, clean, maintain, repair, and replace the ditch, to improve the efficiency of the ditch, including by lining or piping the ditch, and to enter onto the burdened property for such purposes, with access to the ditch banks, as the exigencies then existing may require, for all reasonable and necessary purposes related to the ditch.

APPROVED by Governor March 28, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1098 Titles and interests - deeds for the conveyance of real property - standard forms - terms of warranty and exceptions. The act states that a licensed title insurance entity may prepare deeds for the conveyance of real property in accordance with statutory forms. Any deed prepared by a title insurance entity containing a covenant of warranty must:

- Include a limitation on the warranty of title; and
- Use the phrase "subject to statutory exceptions" and no other terms or descriptions, unless the preparing title insurance entity is otherwise instructed in writing by both the grantor and the grantee.

The act provides new forms of deeds for the conveyance of real property under certain circumstances.

APPROVED by Governor March 7, 2019

EFFECTIVE March 7, 2019

H.B. 19-1106 Tenants and landlords - rental application process. The act states that a landlord may not charge a prospective tenant a rental application fee unless the landlord uses the entire amount of the fee to cover the landlord's costs in processing the rental application. A landlord also may not charge a prospective tenant a rental application fee that is in a different amount than a rental application fee charged to another prospective tenant who applies to rent:

- The same dwelling unit; or
- If the landlord offers more than one dwelling unit for rent at the same time, any other dwelling unit offered by the landlord.

The act requires a landlord to provide to any prospective tenant who has paid a rental application fee either a disclosure of the landlord's anticipated expenses for which the fee will be used or an itemization of the landlord's actual expenses incurred. The landlord is required to make a good-faith effort to refund any unused portion of an application fee within 20 days.

The act states that if a landlord uses rental history or credit history as criteria in consideration of an application, the landlord shall not consider any rental history or credit history beyond 7 years immediately preceding the date of the application. If a landlord considers criminal history as a criterion, the landlord shall not consider an arrest record of a prospective tenant from any time or any conviction of a prospective tenant that occurred more than 5 years before the date of the application; except that a landlord may consider any criminal conviction record or deferred judgment relating to certain criminal offenses involving methamphetamine, any offense that required the prospective tenant to register as a sex offender, any offense that is classified as a homicide, or stalking.

If a landlord denies a rental application, the landlord shall provide the prospective tenant a written notice of the denial that states the reasons for the denial.

A landlord who violates any of the requirements created in the act is liable to the person who is charged a rental application fee for triple the amount of the rental application fee, plus court costs. A landlord who corrects or cures a violation not more than 7 calendar days after receiving notice of the violation is immune from liability. A person who intentionally and in bad faith brings a meritless claim against a landlord is liable for the

landlord's court costs and reasonable attorney fees in defending the claim.

APPROVED by Governor April 25, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1170 Tenants and landlords - warranty of habitability - breach of warranty - tenants' remedies. Under current law, a warranty of habitability (warranty) is implied in every rental agreement for a residential premises. The act states that, except in cases involving a condition that is based on the presence of mold, a landlord commits a breach of the warranty (breach) if the residential premises is:

- Uninhabitable or otherwise unfit for human habitation or in a condition that materially interferes with the tenant's life, health, or safety; and
- The landlord has received reasonably complete written or electronic notice of the condition and failed to commence remedial action by employing reasonable efforts within:
 - 24 hours, where the condition materially interferes with the tenant's life, health, or safety; or
 - 96 hours, where the premises is uninhabitable or otherwise unfit for human habitation and the tenant has included with the notice permission for the landlord or the landlord's authorized agent to enter the residential premises.

For cases involving a residential premises that has mold that is associated with dampness, or where there is any other condition causing the residential premises to be damp, which condition, if not remedied, would materially interfere with the life, health, or safety of a tenant, a landlord commits a breach if the landlord fails:

- Within 96 hours after receiving reasonably complete written or electronic notice of the condition, to mitigate immediate risk of mold by installing a containment, stopping active sources of water to the mold, and installing a high-efficiency particulate air filtration device to reduce tenants' exposure to mold;
- To maintain the containment until certain acts have been performed; and
- Within a reasonable amount of time, to execute certain remedial actions to remove the health risk posed by mold.

Current law provides a list of conditions that render a residential premises uninhabitable. To this list, the act adds 2 conditions; specifically, a residential premises is uninhabitable if:

- The premises lacks functioning appliances that conformed to applicable law at the time of installation and that are maintained in good working order; or
- There is mold that is associated with dampness, or there is any other condition causing the residential premises to be damp, which condition, if not remedied, would materially interfere with the health or safety of the tenant, excluding the presence of mold that is minor and found on surfaces that can accumulate moisture as part of their proper functioning and intended use.

The act grants jurisdiction to county courts to provide injunctive relief related to a breach.

The act also:

- States that if a tenant gives a landlord notice of a condition that materially interferes with the tenant's life, health, or safety, the landlord, at the request of the tenant, shall provide the tenant a comparable dwelling unit, as selected by the landlord, at no expense or cost to the tenant, or a hotel room, as selected by the landlord, at no expense or cost to the tenant;
- Allows a tenant who satisfies certain conditions to deduct from one or more rent payments the cost to repair or remedy a condition causing a breach;
- Repeals the requirement that a tenant notify a local government before seeking an injunction for a breach;
- Repeals provisions that allow a rental agreement to require a tenant to assume certain responsibilities concerning conditions and characteristics of a residential premises;
- Creates an exception for single-family residence premises for which a landlord does not receive a subsidy from any governmental source, by which exception a landlord and tenant may agree in writing that the tenant is to perform specific repairs, maintenance tasks, alterations, and remodeling, subject to certain requirements;
- Prohibits a landlord from retaliating against a tenant in response to the tenant having made a good-faith complaint to the landlord or to a governmental agency alleging a condition that renders the premises uninhabitable or any condition that materially interferes with the life, health, or safety of the tenant;
- Repeals certain presumptions that favor landlords; and
- Specifies monetary damages that may be available to a tenant against whom a landlord retaliates.

The act states that if the same condition that substantially caused a breach recurs within 6 months after the condition is repaired or remedied, other than a condition that merely involves a nonfunctioning appliance, the tenant may terminate the rental agreement 14 days after providing the landlord written or electronic notice of the tenant's intent to do so. In a case concerning a condition that merely involves a nonfunctioning appliance, if the landlord remedies the condition within 14 days after receiving the notice, the tenant may not terminate the rental agreement.

APPROVED by Governor May 20, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1238 Certification of factory-built structures - insignias of approval. The act amends the state director of housing's authority to obtain injunctive relief to be consistent with the removal of the requirement that factory-built structures that are only substantially altered or repaired bear an insignia of approval issued by the division of housing.

The act removes the requirement that factory-built structures that are manufactured or sold for transportation to and installation in another state bear an insignia of approval

issued by the division of housing and the requirement that factory-built structures that are only substantially altered or repaired in Colorado bear an insignia of approval issued by the division of housing.

APPROVED by Governor April 25, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1309 Mobile Home Park Act - enforcement powers of local governments - added protections for mobile home owners - dispute resolution and enforcement program - powers of division of housing. The act provides protections for mobile home owners by:

- Granting counties and municipalities the power to enact certain ordinances for mobile home parks;
- Extending the time period between the notice of nonpayment of rent and the termination of any tenancy or other estate at will or lease in a mobile home park; and
- Extending the time a mobile home owner has to vacate a mobile home park after a court enters an eviction order.

The act also creates the "Mobile Home Park Act Dispute Resolution and Enforcement Program" (program). The program authorizes the division of housing in the department of local affairs to:

- Register mobile home parks;
- Collect a registration fee from mobile home parks;
- Collect and annually report upon data related to disputes and violations of the "Mobile Home Park Act";
- Produce and distribute educational materials concerning the Mobile Home Park Act and the program;
- Create and maintain a database of mobile home parks;
- Create and maintain a database to manage the program; and
- Take complaints, conduct investigations, make determinations, impose penalties, and participate in administrative dispute resolutions when there are alleged violations of the Mobile Home Park Act.

For the 2019-20 state fiscal year, \$22,073 is appropriated from cash funds received by the department of local affairs to the department of law and \$130,065 is appropriated from cash funds received by the department of local affairs to the office of the governor for use by the office of information technology.

APPROVED by Governor May 23, 2019

EFFECTIVE May 23, 2019

H.B. 19-1328 Tenants and landlords - bed bugs in residential premises. The act requires a tenant to promptly notify the tenant's landlord via written or electronic notice when the tenant knows or reasonably suspects that the tenant's dwelling unit contains bed bugs. A tenant who gives the notice electronically shall send it only to the e-mail address, telephone number, or electronic portal specified by the landlord in the rental agreement for communications. In the

absence of such a provision in the rental agreement, the tenant shall communicate with the landlord in a manner that the landlord has previously used to communicate with the tenant. The tenant shall retain sufficient proof of the delivery of the electronic notice.

Not more than 96 hours after receiving notice of the presence or possible presence of bed bugs, a landlord:

- Shall inspect or obtain an inspection by a qualified inspector of the dwelling unit; and
- May enter the dwelling unit or any contiguous unit for the purpose of conducting the inspection.

If the inspection of a dwelling unit confirms the presence of bed bugs, the landlord shall also cause to be performed an inspection of all contiguous dwelling units as promptly as is reasonably practical.

With certain exceptions, a landlord is responsible for all costs associated with inspection for, and treatment of, the presence of bed bugs.

If a landlord, qualified inspector, or pest control agent must enter a dwelling unit for the purpose of conducting an inspection for, or treating the presence of, bed bugs, the landlord shall provide the tenant reasonable written or electronic notice before the landlord, qualified inspector, or pest control agent attempts to enter the dwelling unit. A tenant who receives the notice shall not unreasonably deny access to the dwelling unit.

A tenant shall comply with reasonable measures to permit the inspection for, and treatment of, the presence of bed bugs, and the tenant is responsible for all costs associated with preparing the tenant's dwelling unit for inspection and treatment. A tenant who knowingly and unreasonably fails to comply with inspection and treatment requirements is liable for the cost of subsequent bed bug treatments of the dwelling unit and contiguous units if the need for the treatments arises from the tenant's noncompliance.

If any furniture, clothing, equipment, or personal property belonging to a tenant is found to contain bed bugs, the qualified inspector shall advise the tenant that the furniture, clothing, equipment, or personal property should not be removed from the dwelling unit until a pest control agent determines that a bed bug treatment has been completed. The tenant shall not dispose of personal property that was determined to contain bed bugs in any common area where such disposal may risk the infestation of other dwelling units.

A landlord shall not offer for rent a dwelling unit that the landlord knows or reasonably suspects contains bed bugs. Upon request from a prospective tenant, a landlord shall disclose to the prospective tenant whether, to the landlord's knowledge, the dwelling unit that the landlord is offering for rent contained bed bugs within the previous 8 months. Upon request from a tenant or a prospective tenant, a landlord shall disclose the last date, if any, on which a dwelling unit being rented or offered for rent was inspected for, and found to be free of, bed bugs.

A landlord who fails to comply with the requirements of the act is liable to the tenant for the tenant's actual damages. A landlord may apply to a court of competent jurisdiction to obtain injunctive relief against a tenant who refuses to provide reasonable access to a dwelling unit or fails to comply with a reasonable request for inspection or treatment of a

dwelling unit.

APPROVED by Governor June 3, 2019

EFFECTIVE January 1, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

PUBLIC UTILITIES

S.B. 19-77 Electric utilities - electric vehicles - charging ports and related infrastructure - cost recovery for investments - limitation on rate impact. The act authorizes electric public utilities to provide charging ports as regulated services and allows cost recovery. The retail rate impact from the development of electric vehicle infrastructure must not exceed one-half of one percent of the total annual revenue requirements of the utility.

The act requires an electric public utility to apply to the public utilities commission to build facilities to support electric vehicles. Standards are set for approval. When a facility is built, the rates and charges for the services may allow:

- A return on any investment made by a public utility at the utility's weighted average cost of capital with the most recent rate of return on equity approved by the commission;
- For rate recovery mechanisms that allow earlier recovery of costs; and
- For performance-based incentive returns or similar investment incentives.

APPROVED by Governor May 31, 2019

EFFECTIVE May 31, 2019

S.B. 19-78 Internet service providers - state-funded broadband deployment - state procurement preferences - open internet requirements to receive state funds or contracts - complaints to federal trade commission. Section 1 of the act disqualifies an internet service provider (ISP) from receiving money through a grant from the broadband deployment board (board) or through any state fund established to help finance broadband deployment if the ISP engages in any of the following practices:

- Blocking lawful internet content, applications, services, or devices unless such blocking is conducted in a manner consistent with reasonable network management practices;
- Engaging in paid prioritization of internet content;
- Regulating network traffic by throttling bandwidth or otherwise impairing or degrading lawful internet traffic on the basis of internet content, application, service, or use of a nonharmful device unless the impairment or degradation is conducted in a manner consistent with reasonable network management practices; or
- Not providing reasonable transparency regarding its network management practices.

Section 1 also requires that, if an ISP is found to have engaged in any of the practices listed above, the ISP must refund any money that it received in the prior 24 months through a grant from the board or from any other state funding source established to help finance broadband deployment.

Section 2 requires the broadband deployment board to periodically review the federal trade commission's and federal communications commission's websites to identify any actions the federal agencies have taken against an ISP that seeks or has received broadband deployment grant money from the board. If the board determines from a review of the federal agency action that the ISP engaged in one of the practices listed above, the board shall deny the application or inform the public utilities commission of the action.

Section 3 requires the attorney general or the attorney general's designee, in collaboration with the board, to develop guidance for consumers on how to file a complaint with the federal trade commission to allege that an ISP has engaged in any of the practices that violate federal law regarding interference with the open internet. The department of law shall post the guidance on its website.

Section 4 requires a governmental body, when contracting for broadband internet access service, to give preference to an ISP that certifies to the governmental body that it will not engage in any of the practices listed in section 1.

APPROVED by Governor May 17, 2019

EFFECTIVE May 17, 2019

S.B. 19-107 Electric utility easements - installation of broadband facilities in easements - broadband suppliers' provision of broadband using facilities - notice requirements - conditions. The act authorizes an electric utility that has an electric easement on real property or a commercial broadband supplier designated by the electric utility to act on the electric utility's behalf, after having provided advanced notice to the owner of the real property and to any interest holder in the real property that has requested notice, to install, maintain, or own a broadband facility within the electric easement or to lease any excess capacity of such facility to a commercial broadband supplier. The broadband facility may be installed, maintained, or owned aboveground within the electric easement if the facility is attached to the electric utility's electric service infrastructure. An electric utility or a designated commercial broadband supplier may maintain or own an underground broadband facility within the electric easement only if the facility existed before notice was delivered to the property owner and to interest holders requesting notice pursuant to the act.

An electric utility may assign its rights under the act to install, maintain, own, or lease excess capacity of broadband facilities. The terms and conditions of a written electric easement, including any notice requirements related to entering the real property on which the electric easement is located, apply; except that any terms and conditions that prohibit the electric utility from exercising the rights authorized under the act do not apply.

The act establishes a 2-year limitations period within which an interest holder may bring a claim against an electric utility or commercial broadband supplier with regard to the electric utility's or commercial broadband supplier's exercise of rights under the act; except that the statutory limitations period does not apply to claims based on physical damage to property, injury to natural persons, or breach of the terms and conditions of a written electric easement. Damages for claims subject to the statutory limitations period are limited to damages that existed at the time that the electric utility or commercial broadband supplier first exercised its rights under the act at issue and measured by the fair market value of the reduction in value of the interest holder's interest in the real property.

An electric utility or commercial broadband supplier exercising rights under the act:

- Cannot discriminate among commercial broadband suppliers, including with respect to leasing fees charged and pole access provided, in offering or granting rights to install or attach broadband facilities;
- Is required to charge just and reasonable pole attachment fees; and
- May only withhold authorization to a commercial broadband supplier to install,

maintain, own, operate, or use broadband facilities on the electric utility's electric service infrastructure if there is insufficient capacity for the broadband facilities or for reasons of safety or reliability concerns or engineering considerations that weigh against granting an authorization.

An electric utility shall not directly provide retail commercial broadband service but a broadband affiliate of the electric utility may do so if:

- A separate accounting system is maintained for the broadband affiliate;
- An independent certified public accountant performs a financial audit of the broadband affiliate within 2 years after it commences retail commercial broadband service and at least once every 2 years thereafter; and
- The electric utility does not cross-subsidize the broadband affiliate or the broadband affiliate's provision of commercial broadband service.

A commercial broadband supplier that is unaffiliated with an electric utility may request that the electric utility and a broadband affiliate of the electric utility, if they are exercising rights under the act, certify that the electric utility and the broadband affiliate are in compliance with the act. The certification is admissible in court in any action that arises between the unaffiliated commercial broadband supplier and the electric utility or broadband affiliate.

APPROVED by Governor June 3, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-236 Public utilities commission - continuation under sunset law - distribution system planning - workforce transition planning - clean energy plan - wholesale electric cooperative electric resource plan - vehicle booting regulation - energy impact bonds - rules - appropriation. The act implements the recommendations of the department of regulatory agencies' 2018 sunset review and report on the public utilities commission (commission) by:

- Authorizing the commission to promulgate rules to delegate routine, administrative transportation matters to staff and clarifying that the commission provides initial review of each case submitted for adjudication and determines whether it wishes to retain the case or to assign it to an administrative law judge or to an individual commissioner;
- Providing for alternate forms of communication that a public utility may utilize to notify its customers of rate changes, including text message and e-mail, and requiring the public utility to post notice of the rate change on its public website, including a reference to the docket numbers of relevant rules or adjudicatory matters;
- Transferring the administration of the legal services offset fund from the department of law to the department of regulatory agencies;
- Making technical changes regarding criminal history record checks and telecommunications;
- Repealing a requirement that an electric utility, as part of the electric utility's plan for acquisition of renewable resources, purchase a certain amount of

energy from community solar gardens in 2011 through 2013, but delaying the repeal until 2043 to keep the legislation in place until contracts entered into pursuant to the requirement have likely all expired;

- Repealing the requirement that the commission, in considering electric utilities' proposals for generation acquisition, give consideration to proposals to propose, fund, and construct integrated gasification combined cycle generation facilities; and
- Clarifying that the commission may impose a civil penalty for a violation of railroad crossing safety regulations.

The act also:

- Directs the commission to promulgate rules to require an investor-owned utility to file with the commission, for the commission's approval, a distribution system plan regarding the utility's anticipated distribution system investments;
- Requires an investor-owned utility, when submitting a filing to the commission that includes a proposed retirement of an electric generating facility, to include in the filing a workforce transition plan that provides estimates of workforce transitions that will occur as a result of retiring the electric generating facility;
- Directs the commission to conduct an investigation of financial performance-based incentives and performance-based metric tracking to identify mechanisms for aligning utility operations and investments with various public benefit goals, including safety, cost efficiency, and emissions reduction. The commission must report the findings of its investigation to the general assembly 18 months after the act's passage;
- Requires the commission to open a nonadjudicatory proceeding to conduct a survey of public utility retail rates and to consider recommendations for providing rate relief in geographic areas with retail rates that are materially greater than the state average;
- Directs the commission to require a wholesale electric cooperative to submit to the commission an application for approval of an integrated or electric resource plan;
- Declares the rights of retail electric utility customers to generate, consume, store, and export electricity from eligible energy resources through distributed generation;
- Requires a qualifying retail utility to submit a plan, and allows any other electric utility to voluntarily submit a plan, to the commission as part of its ongoing resource acquisition planning process to seek approval from the commission on how the qualifying retail utility plans to address clean energy targets established in the act. A utility implementing a clean energy plan may recover its cost of implementation through electricity rates, as approved by the commission.
- Directs the commission to evaluate the cost of carbon dioxide emissions in certain proceedings related to a public utility subject to the commission's jurisdiction and to promulgate rules to require those public utilities, when submitting filings, to include the cost of carbon dioxide emissions related to the evaluation of electric generation resources. Starting in 2020, the commission is required to establish a base cost of carbon dioxide emissions in an amount not less than \$46 and shall modify the cost thereafter based on escalation rates established by a federal interagency working group.

- Authorizes the commission to regulate vehicle booting companies, which are private entities in the business of immobilizing motor vehicles through use of a boot, through issuance of permits and enforcement mechanisms including inspections, imposition of a civil penalty, and revocation of a permit; and
- Adopts the "Colorado Energy Impact Bond Act", under which electric utilities may finance the retirement of fossil-fuel-powered generation facilities and the transition to renewable energy sources by issuing low-cost corporate securities. The securities are subject to commission approval and required to have a rating of at least AA or Aa2, must have a scheduled maturity date of 32 years or less, and are repayable through electricity rates as part of the costs of implementing a clean energy plan.

The act continues the functions of the commission for 7 years, until 2026.

\$907,566 is appropriated for state fiscal year 2019-20 to the department of regulatory agencies for use by the commission for personal services, operating expenses, and the purchase of legal services. The money is appropriated from the public utilities commission fixed utilities fund. Additionally, \$163,820 is appropriated to the department of public health and environment from the general fund.

APPROVED by Governor May 30, 2019

EFFECTIVE May 30, 2019

H.B. 19-1003 Electric utilities - solar energy - community solar gardens - allowable size and location - standards for construction and installation of components. The act amends the current statute authorizing the creation of community solar gardens (CSGs) by:

- Increasing the maximum size of a CSG from 2 megawatts to 5 megawatts, with the option for the public utilities commission (PUC) to authorize construction of a CSG up to 10 megawatts beginning July 1, 2023;
- Removing the requirement that a CSG subscriber's identified physical location be in the same county as, or a county adjacent to, that of the CSG, while retaining the requirement that it be within the service territory of the same investor-owned utility; and
- Requiring all photovoltaic electrical work on a CSG of greater than 2 megawatts to be supervised by a licensed master electrician, licensed journeyman electrician, or licensed residential wireman, and comply with all applicable electrical codes and standards. If an investor-owned utility owns all or part of a CSG, the utility is required to use either its own employees or a contractor whose employees have access to specified apprenticeship programs to operate and maintain the CSG.

Beginning in 2020, all photovoltaic electrical work for installations of at least 300 kilowatts must be performed by a licensed master electrician, licensed journeyman electrician, licensed residential wireman, or properly supervised electrical apprentices and must comply with all applicable electrical codes and standards.

The PUC shall determine the conditions under which a subscriber to a CSG may choose to retain or sell the renewable energy credits attributable to the subscriber's participation in the CSG.

Section 4 of the act is contingent upon House Bill 19-1172 becoming law.

APPROVED by Governor May 30, 2019

PORTIONS EFFECTIVE August 2, 2019

PORTIONS EFFECTIVE October 1, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1034 Public utilities commission - railroads - freight trains - number of crew members required - exemptions - definitions - fines. The act requires a common carrier engaged in the transportation of property by railroad to have at least 2 crew members aboard a railroad train or light engine operated in connection with carrying freight while the railroad train or light engine is moving. A violation of the requirement is a misdemeanor, punishable by a fine of \$250 to \$1,000 for a first offense, \$1,000 to \$5,000 for a second offense committed within 3 years, or \$5,000 to \$10,000 for a third or subsequent offense committed within 3 years.

APPROVED by Governor March 21, 2019

EFFECTIVE July 1, 2019

H.B. 19-1332 Telecommunications - assistance to customers with disabilities - talking book library - appropriation. The act authorizes the use of money in the Colorado telephone users with disabilities fund (fund) to support talking book library services for persons who are blind and physically disabled.

\$250,000 is appropriated from the fund to the department of regulatory agencies, which amount is reappropriated to the department of education for the Colorado talking book library.

APPROVED by Governor June 3, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

REVENUE - ACTIVITIES REGULATION

S.B. 19-11 Alcohol beverages - removal of dual licensing requirement - fermented malt beverage and malt liquor manufacturers, wholesalers, and importers. The act removes the dual licensing requirement for manufacturers, wholesalers, and importers under the "Colorado Beer Code" (beer code) and the "Colorado Liquor Code" (liquor code) by:

- Converting each manufacturer's license issued under the beer code to a manufacturer's license issued under the liquor code;
- Converting each wholesaler's license issued under the beer code to a wholesaler's beer license issued under the liquor code;
- Converting each nonresident manufacturer's license issued under the beer code to a nonresident manufacturer's license issued under the liquor code;
- Converting each importer's license issued under the beer code to a malt liquor importer's license issued under the liquor code; and
- Repealing the authority of the state licensing authority to issue new licenses under the beer code, except for licenses authorizing the retail sale of fermented malt beverages.

The act specifies that it applies to conduct occurring on or after January 31, 2019.

APPROVED by Governor January 31, 2019

EFFECTIVE January 31, 2019

S.B. 19-13 Medical marijuana - disabling medical conditions - conditions for which a physician could prescribe an opioid. The act adds a condition for which a physician could prescribe an opioid to the list of disabling medical conditions that authorize a person to use medical marijuana for his or her condition. Under current law, a child under 18 years of age who wants to be added to the medical marijuana registry for a disabling medical condition must be diagnosed as having a disabling medical condition by 2 physicians, one of whom must be a board-certified pediatrician, a board-certified family physician, or a board-certified child and adolescent psychiatrist who attests that he or she is part of the patient's primary care provider team. The act removes the additional requirements on specific physicians to align with the constitutional provisions for a debilitating medical condition. The act states if the recommending physician is not the patient's primary care physician, the recommending physician shall review the records of a diagnosing physician or a licensed mental health provider acting within its scope of practice. The act limits a patient with a disabling medical condition who is under eighteen years of age to using medical marijuana only in a nonsmokeable form when using medical marijuana upon the grounds of the preschool or primary or secondary school in which the student is enrolled, or upon a school bus or at a school-sponsored event.

APPROVED by Governor May 23, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-28 Alcohol beverages - fermented malt beverage licenses - sale for consumption on and off the licensed premises - continued availability in rural areas. Recent legislation (Senate Bill 18-243, concerning the retail sale of alcohol beverages) terminated the licensing

of retailers to sell fermented malt beverages (formerly known as "3.2 beer" but now including all beer) for consumption on and off a licensed premises as of June 4, 2018, requiring the holder of such a license to combine its renewal application with an application to convert the license into either a license to sell for consumption on the licensed premises or a license to sell for consumption off the licensed premises.

The act lifts the requirement to convert an existing license and reinstates the availability of new licenses to sell beer for consumption both on and off the licensed premises, in specified areas with low populations.

The act specifies that it applies to license applications filed on or after June 4, 2018.

APPROVED by Governor February 20, 2019

EFFECTIVE February 20, 2019

S.B. 19-141 Alcohol beverage regulation - formation of entertainment districts. The act allows an entertainment district to be formed in an area located within a city and county or within an unincorporated area of a county and adds optional premises licensees to the list of licensed premises permitted to attach to an entertainment district.

APPROVED by Governor May 17, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-142 Alcohol beverages - hard cider - exclusion from Colorado Wine Industry Development Act - exemption from excise tax on produce - appropriation. The act:

- Removes hard cider from the definition of "wine" for purposes of the "Colorado Wine Industry Development Act"; and
- Exempts produce used in the production of hard cider from the excise tax deposited in the Colorado wine industry development fund.

\$2,000 is appropriated to the department of revenue from the general fund for tax administration IT system support.

APPROVED by Governor June 3, 2019

EFFECTIVE September 1, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-200 Alcohol regulation - licensed premises - National Western Center. The act authorizes the city and county of Denver to promulgate an ordinance authorizing a person to remove an alcohol beverage from the licensed premises of a vendor within the National Western Center so long as the person does not leave the National Western Center.

APPROVED by Governor May 28, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the

effective date, see page vi of this digest.

S.B. 19-218 Medical marijuana program - physician relationship - primary caregiver relationship - dentist or advanced practice practitioner make recommendations - card validity length - health effects panel conflict disclosures - sunset - appropriation. In a bona fide physician-patient relationship for purposes of a medical marijuana recommendation, the act clarifies that if the patient is a child, as part of the relationship the physician must consult with the patient's parents. The act clarifies that a parent can be a primary caregiver for a child with a disabling medical condition. The act clarifies that a primary caregiver for a person with a debilitating or disabling medical condition receives the same confidentiality protections as other primary caregivers. The act clarifies that if a person with a medical marijuana card is convicted of a drug crime, the card is subject to revocation.

The act allows a dentist or advanced practice practitioner with prescriptive authority acting within the scope of his or her practice to make medical marijuana recommendations for a disabling medical condition. The act gives the state health agency the authority to promulgate rules regarding the length of time that a medical marijuana card for a disabling medical condition is valid.

Under current law there is a health care panel (panel) that monitors the health effects of marijuana and provides a report every two years. The act requires the panel to include individuals with expertise in neuroscience, epidemiology, toxicology, cannabis physiology, and cannabis quality control. The act requires the panelists to disclose all financial interests related to the health care industry and the regulated marijuana industry and report those disclosures in the panel's report. The act gives the department of public health and environment the authority to collect Colorado-specific data that involves health outcomes associated with cannabis from all-payer claims data, hospital discharge data, and available peer-reviewed research studies.

The act extends the medical marijuana program until September 1, 2028, and requires a sunset review prior to the repeal. The act makes other technical changes and repeals obsolete provisions.

The act appropriates \$114,007 to the department of public health and environment from the medical marijuana program cash fund, of which \$100,000 is for operating expenses for the registry and \$14,007 is for personal services. The act appropriates \$560,143 to the department of regulatory agencies from the division of professions and occupations cash fund of which \$535,456 is for legal services and \$24,687 is for personal services.

APPROVED by Governor May 29, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-224 Regulated marijuana - reorganization - sunset - appropriation. The act makes changes to the retail and medical marijuana codes and continues those codes until 2028 with a sunset review prior to 2028. The act defines the terms, "advertising", "branding", and "consumer education materials". The act requires industrial hemp that is used in medical marijuana-infused products or retail marijuana products to be tested prior to manufacturing

the product. The act allows retail marijuana stores to sell industrial hemp consumables. The act creates limits on the amount of medical marijuana flower, medical marijuana concentrate, and medical marijuana products that a medical marijuana store can sell to an individual in one day. For flower, the limit is 2 ounces; for concentrate, the limit is 20 grams; and for products, the limit is 20,000 milligrams. The act allows a physician to provide an exemption to the limits.

Under current law, there is an exception to the "Colorado Food and Drug Act" for medical marijuana but not one for retail marijuana. The act repeals the exception for medical marijuana.

The act streamlines the statutes related to license renewal by:

- Eliminating statutory timelines for local licensing and allowing local ordinance to determine the application timelines;
- Allowing a licensee that has submitted a timely renewal application to operate until the application is acted upon; and
- Repealing statutes related to the order in which state and local licenses must be processed.

Under current law, there are 2 separate licenses related to research: A research and development license and the research and development cultivation license. The act merges the 2 licenses into one.

The act gives the state licensing authorities the ability to seek injunctive relief and investigatory subpoenas from district courts related to nonlicensed entities.

Under current law, there is a broad grant of confidentiality to records and information related to licensees. The act provides similar protections to applicants, patients, and customers. The act also makes the following information that was confidential available to the public: Final agency actions, testing records on an aggregated and de-identified basis, applicant and licensee demographic information on an aggregated and de-identified basis, and enforcement forms and compliance checklists.

In both the medical marijuana code and the retail marijuana code, there are unlawful acts sections that create criminal violations, but the provisions in the 2 codes are not the same. The act makes the unlawful acts consistent.

The act makes it an unlawful act to engage in a regulated marijuana business without the proper license and to adulterate or alter samples of marijuana or marijuana products to circumvent testing requirements.

Under current law, a person is prohibited from being licensed if the person discharged a sentence for a felony within 5 years of applying for licensure or discharged a drug felony conviction within 10 years of applying for licensure. The act changes the law so a person is prohibited from licensure if the person was convicted of a felony within 3 years of applying for licensure or is currently serving a sentence for a felony or a deferred judgment or sentence.

The act creates the following new categories of ownership: Controlling beneficial owner, passive beneficial owner, and indirect financial interest holder.

Under current law, a patient who has submitted an application to be on the registry but has not received a patient card must present a copy of the application and a certified mail return receipt when purchasing medical marijuana at a center. The act repeals the requirement for a certified mail return receipt and requires proof of application.

The act directs the state licensing authorities to track information on license disqualifications based on criminal history.

Under current law, all medical marijuana sold at a medical marijuana center must be labeled with a list of chemical additives. Under current law, a medical marijuana-infused products manufacturer may only use medical marijuana from 5 different sources to produce a medical marijuana product. The act repeals these requirements. The act requires the state licensing authority to adopt rules that prevent redundant testing of medical marijuana concentrate for residual solvent when all of the inputs of the concentrate have passed the residual solvent testing.

The act creates 2 new retail marijuana license types: Accelerator cultivators and accelerator manufacturers. The accelerator licenses allow a cultivator and manufacturer to operate respectively on the premises of a licensed retail marijuana cultivation facility or retail marijuana products manufacturer. The accelerator licensee can receive technical, compliance, and capital assistance from the host-licensed retail marijuana business. A licensed business that hosts an accelerator licensee may be eligible for reduced licensing fees. Applications for the licenses may be filed beginning on July 1, 2020.

The act clarifies that a marijuana business licensee may hold a gaming license. The act requires that each medical marijuana and retail marijuana store post a warning sign related to the use of marijuana while pregnant or breastfeeding. The act allows a medical marijuana or retail marijuana cultivation facility that has approval to change locations from the state licensing authority to operate one license at 2 different locations while transitioning from the old location to the new location. The act allows marijuana licensees to transfer electronic marijuana waste to a person for the purposes of recycling or reuse.

The act allows retail marijuana stores, retail cultivation facilities, and retail marijuana products manufacturers to provide performance-based incentives to employees including sales-based, performance-based incentives to employees.

The act prohibits the open and public consumption of marijuana and allows local jurisdictions to make exceptions to the prohibition if the locations are not accessible to the public or a substantial number of the public without restriction. The prohibition does not apply to a licensed business that permits consumption on its premises if the business is operating with the conditions of its license.

The act states that marijuana business employees are not agricultural workers unless they are farm laborers. The act also states that, if it is determined that marijuana business are not covered by the national "Labor Relations Act", then employees of marijuana businesses are covered by the Colorado "Labor Peace Act".

The act allows regulated marijuana businesses to recycle marijuana consumer waste. The state licensing authority must treat a metered-dose inhaler the same as a vaporized delivery device for purposes of regulation and testing.

Under federal law, there may be negative immigration consequences for a person legally in the United States who works in the regulated marijuana industry. Prior to accepting an application for a license, registration, or permit, the state licensing authority shall inform the applicant that having a medical marijuana or retail marijuana license and working in the medical marijuana or retail marijuana industry may have adverse federal immigration consequences.

The act allows a medical marijuana or retail marijuana cultivation facility to obtain medical marijuana seeds or immature plants from its own medical marijuana, commonly owned from the retail marijuana of an identical direct beneficial owner, or marijuana that is properly transferred from another medical marijuana business pursuant to the inventory tracking requirements imposed by rule. Regulated marijuana employees can be compensated by performance-based incentives, including sales-based, performance-based incentives.

The act makes technical changes and repeals obsolete provisions.

The act combines the laws for regulated medical marijuana and retail marijuana, which are currently separate articles in title 44, into one article in title 44. The act incorporates the provisions of HB 19-1090, publicly traded regulated marijuana businesses, and HB 19-1234, regulated marijuana delivery, into the new consolidated article.

The act takes effect on January 1, 2020.

For the 2019-20 state fiscal year, \$396,604 is appropriated from the marijuana cash fund to the department of revenue.

APPROVED by Governor May 28, 2019 **PORTIONS EFFECTIVE** January 1, 2020
PORTIONS EFFECTIVE July 1, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-249 Automotive sales - business disposal license - grounds for discipline - right of action for loss - appropriation. The act creates a business disposal license for a business to sell its used vehicles if the vehicle sales do not exceed 20% of the business's gross revenue. The vehicles must not be passenger vehicles.

The act also authorizes the motor vehicle dealer board to deny, suspend, or revoke a business disposal license for the following:

- A material misstatement in an application;
- Violating several classes of laws dealing with motor vehicle sales and commerce;
- Having been convicted of certain crimes;
- Engaging in various types of fraudulent activities;
- Failing to perform a written agreement;
- Failing to make the required disclosures;
- Misleading or inaccurate advertising;
- Representing or selling as new a used motor vehicle;
- Selling a defective vehicle unless sold as a tow-away and not to be driven or

- selling, acquiring, or disposing of a stolen vehicle;
- Failing to notify a prospective buyer of the acceptance or rejection of a motor vehicle purchase order agreement within a reasonable period when on a finance sale or a consignment sale;
- Failing to maintain a place of business with a fixed address and full-time employees; and
- Failing to post a bond.

A person has a right of action against a business disposer and the surety upon a disposer's bond if the disposer commits a fraudulent act or violates the laws governing motor vehicle dealers.

To implement the act, \$14,000 is appropriated from the auto dealers license fund to the department of revenue for use by the motor vehicle dealer licensing board.

APPROVED by Governor May 28, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1028 Medical marijuana - disabling medical conditions - autism spectrum disorders. The act adds autism spectrum disorders to the list of disabling medical conditions that authorize a person to use medical marijuana for his or her condition. Under current law, a child under 18 years of age who wants to be added to the medical marijuana registry for a disabling medical condition must be diagnosed as having a disabling medical condition by 2 physicians, one of whom must be a board-certified pediatrician, a board-certified family physician, or a board-certified child and adolescent psychiatrist who attests that he or she is part of the patient's primary care provider team. The act removes the additional requirements on specific physicians to align with the constitutional provisions for a debilitating medical condition. The act states if the recommending physician is not the patient's primary care physician, the recommending physician shall review the records of a diagnosing physician or a licensed mental health provider acting within its scope of practice.

The act encourages the state board of health, when awarding marijuana study grants, to prioritize grants to gather objective scientific research regarding the efficacy and the safety of administering medical marijuana for pediatric conditions, including but not limited to autism spectrum disorder.

APPROVED by Governor April 2, 2019

EFFECTIVE April 2, 2019

H.B. 19-1033 Regulation of cigarettes, tobacco products, or nicotine products - local government regulation - state cigarette tax revenue apportionment to local governments - local governments' special sales taxes. Sections 1, 2, and 4 of the act authorize a county to enact a resolution or ordinance that prohibits a minor from possessing or purchasing cigarettes, tobacco products, or nicotine products. Sections 1 and 2 also authorize a county to impose regulations on cigarettes, tobacco products, or nicotine products that are more stringent than statewide regulations, including prohibiting sales to a person under 21 years of age, and section 4 expressly authorizes a county to enact a resolution or ordinance regulating the sale of cigarettes, tobacco products, or nicotine products to minors. Section 3

expressly authorizes a statutory or home rule city or town to enact an ordinance regulating the sale of cigarettes, tobacco products, or nicotine products to minors.

From state income tax money, the state currently apportions an amount equal to 27% of state cigarette tax revenues to cities, towns, and counties in proportion to the amount of state sales tax revenues collected within their boundaries. In order to receive their allocation of this money, cities, towns, and counties are prohibited from imposing their own fees, licenses, or taxes on cigarette sales or from attempting to impose a tax on cigarettes. Section 5 removes this prohibition with respect to fees or licenses that a city, town, or county imposes or with respect to a tax that a city, town, or county attempts to impose, thus allowing cities, towns, and counties to impose fees or licenses or to attempt to impose taxes on cigarette sales without losing their apportioned state cigarette tax revenues. A city, town, or county that successfully imposes a tax on cigarette sales loses its apportioned state cigarette tax revenues.

Section 6 authorizes a statutory or home rule city or town, city and county, or county, if approved by a vote of the people within the statutory or home rule city or town, city and county, or county, to impose a special sales tax on the sale of cigarettes, tobacco products, or nicotine products. Section 6 also provides a mechanism by which a county's special sales tax applies to a municipality within the boundary of the county unless the municipality, if approved by a vote of the people within the municipality, enacts its own such special sales tax; however, the county and municipality may then enter into an intergovernmental agreement authorizing the county to continue to levy, collect, and enforce its special sales tax within the corporate limits of the municipality.

APPROVED by Governor March 28, 2019

EFFECTIVE July 1, 2019

H.B. 19-1090 Licensed marijuana ownership - allow publicly traded corporations - controlling beneficial owners, indirect financial interest holders, and passive beneficial owners - rule-making authority - suitability finding - notification, disclosure, notice requirements - appropriation. The act repeals the provision that prohibits publicly traded corporations from holding a marijuana license.

The act creates new ownership concepts of controlling beneficial owners, indirect financial interest holders, and passive beneficial owners. The act repeals the concept of direct beneficial owner and the associated requirements. The act gives the state licensing authority rule-making authority related to the parameters of, qualifications of, disclosure of, requirements for, and suitability for the new ownership concepts. A "controlling beneficial owner" is limited to a person that satisfies one or more of the following criteria:

- A natural person, an entity as defined in section 7-90-102 (20) that is organized under the laws of and for which its principal place of business is located in one of the states or District of Columbia, a publicly traded corporation, or a qualified private fund that is not a qualified institutional investor:
 - Acting alone or acting in concert, that owns or acquires beneficial ownership of ten percent or more of the owner's interest of a medical marijuana business;
 - That is an affiliate that controls a medical marijuana business and includes, without limitation, any manager; or

- That is otherwise in a position to control the medical marijuana business except as authorized in section 44-11-407; or
- A qualified institutional investor acting alone or acting in concert that owns or acquires beneficial ownership of more than 30 percent of the owner's interest of a medical marijuana business.

"Indirect financial interest holder" is a person that is not an affiliate, a controlling beneficial owner, or a passive beneficial owner of a medical marijuana business and that:

- Holds a commercially reasonable royalty interest in exchange for a medical marijuana business's use of the person's intellectual property;
- Holds a permitted economic interest that was issued prior to January 1, 2020, and that has not been converted into an ownership interest;
- Is a contract counterparty with a medical marijuana business, other than a customary employment agreement, that has a direct nexus to the cultivation, manufacture, or sale of medical marijuana, including, but not limited to, a lease of real property on which the medical marijuana business operates, a lease of equipment used in the cultivation of medical marijuana, a secured or unsecured financing agreement with the medical marijuana business, a security contract with the medical marijuana business, or a management agreement with the medical marijuana business, provided that no such contract compensates the contract counterparty with a percentage of revenue for profits of the medical marijuana business; or
- Is identified by rule by the state licensing authority as an indirect financial interest holder.

"Passive beneficial owner" means any person acquiring any interest in a medical marijuana business that is not otherwise a controlling beneficial owner or in control.

The act requires a person intending to apply to become a controlling beneficial owner or passive beneficial owner to receive a finding of suitability or an exemption from the state licensing authority prior to submitting a marijuana business application. The act also requires a marijuana business or controlling beneficial owner that is a publicly traded corporation to comply with various notification, disclosure, notice, and suitability requirements. The act limits the types of publicly traded corporations that can be marijuana businesses or controlling beneficial owners.

For the 2019-20 state fiscal year, \$2,783,561 was appropriated from the marijuana cash fund to the department of revenue.

APPROVED by Governor May 29, 2019

EFFECTIVE May 29, 2019

H.B. 19-1128 Lottery winnings offsets - court fines, fees, costs, or surcharges. The act allows lottery winnings to be intercepted for the payment of outstanding court fines, fees, costs, or surcharges.

APPROVED by Governor May 20, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1230 Marijuana - hospitality establishments - retail hospitality spaces and sales establishments - marijuana hospitality establishment licensing - rules - appropriation. Subject to approval by both the state and local licensing authorities, the act authorizes marijuana hospitality spaces (hospitality spaces) in which medical and retail marijuana may be consumed on site and retail marijuana hospitality and sales establishments in which retail marijuana, retail marijuana concentrate, and retail marijuana products may be sold and consumed on site. Subject to local approval, the act authorizes a retail food establishment to apply for a marijuana hospitality establishment license for a specified portion of the retail food establishment but prohibits an entity from having both a marijuana hospitality establishment license and a liquor license for the same premises.

The act establishes requirements and prohibitions for the new hospitality spaces and requires the state licensing authority to promulgate rules governing the new marijuana hospitality establishment licenses and hospitality spaces.

The act makes smoking marijuana in the hospitality spaces an exception to the "Colorado Clean Indoor Air Act".

For the 2019-20 state fiscal year, the act appropriates \$399,479 from the marijuana cash fund to the department of revenue to implement the act.

APPROVED by Governor May 29, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1234 Regulated marijuana - delivery - rule-making authority - surcharge - limitations - local authorization - appropriation. The act creates marijuana delivery permits for licensed medical marijuana centers and transporters and licensed retail marijuana stores and transporters that allow the centers, stores, and transporters to deliver medical marijuana, medical marijuana-infused products, retail marijuana, and retail marijuana products to customers. The act gives the state licensing authority rule-making authority over the permit and delivery system. The act specifies that a permit is valid for one year and may be renewed with the associated license. A one-dollar surcharge is assessed on each delivery, and that money is remitted to the municipality where the center or store is located, or to the county if the center or store is in an unincorporated area, for local law enforcement costs related to marijuana enforcement. Deliveries are limited to one per day, limited to private residences, and may not be made to college campuses. The act provides protection against criminal prosecution for those making the deliveries. Delivery is only allowed in a jurisdiction if that jurisdiction has voted to allow delivery either by referendum or by the governing board of the jurisdiction. Medical marijuana delivery permitting for medical marijuana centers begins on January 2, 2020, and medical marijuana delivery permitting for medical marijuana transporters, and all retail marijuana delivery permitting, begins on January 2, 2021.

The act requires responsible vendor training programs to include marijuana delivery training.

For the 2019-20 state fiscal year, the act appropriates \$390,152 from the marijuana

cash fund to the department of revenue.

APPROVED by Governor May 29, 2019

EFFECTIVE May 29, 2019

H.B. 19-1286 Motor vehicle and powersports vehicle sales - licenses - wholesalers. The act limits to 2 the number of individuals who may act as a wholesaler under a single wholesale license.

APPROVED by Governor June 3, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1327 Gambling - betting on sports events - legalization - creation of division of sports betting - rule-making authority - taxation - submission of ballot issue under Taxpayers' Bill of Rights - allocation of tax revenues - appropriation. In 2018, the United States supreme court held in *Murphy v. National Collegiate Athletic Association*, 138 S. Ct. 1461, that a federal law prohibiting states from authorizing sports betting violated the tenth amendment of the United States constitution. States may now authorize sports betting.

The act decriminalizes sports betting in Colorado, effective May 1, 2020, under the following conditions:

- The collection of a tax on the net proceeds of sports betting must be approved by the registered electors of Colorado at the November 2019 general election;
- Sports betting will be regulated by the department of revenue, subject to supervision by the existing limited gaming control commission;
- A limited number of licenses will be issued. Persons or entities currently licensed to conduct limited gaming (i.e., the owners of casinos in Central City, Black Hawk, and Cripple Creek) are the only persons or entities eligible to hold a "master license" to conduct sports betting upon paying a license fee and submitting to background checks. A master license entitles the licensee to contract with a licensed "sports betting operator" or a licensed "internet sports betting operator", or both, for the operation of sports betting.
- The conduct of sports betting in Central City, Black Hawk, and Cripple Creek is further conditioned on approval by the voters of the respective city in a local election to be held concurrently with the statewide election in November 2019; and
- The state will collect a tax of 10% on the net proceeds of sports betting activity to fund implementation of the state water plan and other public purposes. Of the total amount of tax collected, after first repaying the general fund appropriation for startup and initial operating costs, 6% is set aside annually to compensate the beneficiaries of revenues generated by limited gaming and other wagering activities for any losses attributable to competition from sports betting.

\$1,739,015 is appropriated from the general fund to the department of revenue for

startup and initial operating costs in the 2019-20 state fiscal year.

APPROVED by Governor May 29, 2019

PORTIONS EFFECTIVE August 2, 2019

PORTIONS EFFECTIVE May 1, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

STATUTES

S.B. 19-58 Enactment of Colorado Revised Statutes 2018. The act enacts the softbound volumes of the Colorado Revised Statutes 2018 and the Special Supplement 2018 as the positive and statutory law of the state of Colorado and establishes the effective date of said publications.

APPROVED by Governor February 20, 2019

EFFECTIVE February 20, 2019

S.B. 19-241 Revisor's Bill. To improve the clarity and certainty of the statutes, the bill amends, repeals, and reconstructs various statutory provisions of law that are obsolete, imperfect, or inoperative. The specific reasons for each amendment or repeal are set forth in the appendix to the bill. The amendments made by the bill are not intended to change the meaning or intent of the statutes, as amended.

APPROVED by Governor May 31, 2019

EFFECTIVE May 31, 2019

TAXATION

S.B. 19-6 Sales and use tax - sourcing method for development of electronic sales and use tax simplification system. The act requires the office of information technology (office) and the department of revenue (department), within existing resources, to conduct a sourcing method in accordance with the applicable provisions of the procurement code, and any applicable rules, for the development of an electronic sales and use tax simplification system (system). The act also requires the office and the department to involve stakeholders to develop the scope of work.

The act requires the general assembly to make any necessary appropriations for the initial funding and ongoing maintenance of the system from any net sales tax revenues that are credited to the general fund.

The act specifies that on and after the date the system is online the department is required to accept any returns and payments processed through the system for state sales and use tax and for any sales and use taxes that are collected by the department on behalf of any local taxing jurisdiction.

The act specifies that it is the general assembly's intent that 3 local taxing jurisdictions with home rule charters voluntarily use the system when the system comes online. Additionally, the act states that it is the general assembly's intent that all local taxing jurisdictions with home rule charters voluntarily use the system within 3 years.

APPROVED by Governor April 12, 2019

EFFECTIVE April 12, 2019

S.B. 19-16 Severance tax operational fund - distribution - core departmental programs - natural resources and energy grant programs - reserve requirement - cap - transfer to the severance tax perpetual base fund. The act makes the following changes related to the distribution of the money in the severance tax operational fund (operational fund):

- Defines programs for the department of natural resources that are funded from the operational fund and that were known as "tier-one programs" as "core departmental programs";
- Defines transfers that are made after the core departmental programs and a reserve requirement are funded and were known as "tier-two programs" as "transfers to the natural resources and energy grant programs";
- Separates an existing reserve into 2 separate reserves, the core reserve and the grant program reserve, while maintaining the overall purpose of each reserve;
- Establishes a cap on the grant program reserve equal to the maximum transfers to the natural resources and energy grant programs required by law;
- Requires the state treasurer to make the transfers to the natural resources and energy grant programs on August 15 after a fiscal year and to base the transfers on actual revenue as opposed to estimated revenue;
- Permits money from the grant program reserve to be used for the transfers to the natural resources and energy grant programs; and
- If all of the appropriations and transfers have been made and both reserves are full, then requires the state treasurer to transfer any money remaining in the

operational fund to the severance tax perpetual base fund.

APPROVED by Governor April 1, 2019

EFFECTIVE April 1, 2019

S.B. 19-24 When taxpayers must pay taxes via electronic funds transfer - consistent approach - timing of deadlines - department of revenue. The act authorizes the executive director of the department of revenue (director) to require the remittance of severance taxes electronically and allows the department to promulgate rules governing such electronic payment.

The act authorizes the director to require a taxpayer to remit sales taxes by electronic funds transfers at an earlier hour on the deadline day for making a return and paying the taxes due than taxpayers who remit sales taxes by other means.

APPROVED by Governor March 11, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-29 Income tax- military service - reacquisition of residency. Under current law, an individual in active duty military service whose home of record is Colorado and whose state of residence is a state other than Colorado is allowed to reacquire residency in Colorado and not pay Colorado state income tax on his or her military income.

The act creates a presumption that the individual acquired residence in a state other than Colorado if the individual was stationed in another state and provides certain documentation to demonstrate that the other state was the individual's residence. If an individual is presumed to have acquired a state of residence other than Colorado, the presumption may only be overcome with a preponderance of specific evidence that clearly establishes that the individual did not intend to change his or her residence to a state other than Colorado.

APPROVED by Governor March 15, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-35 Enforcement measures available for the collection of delinquent taxes - department of revenue. The act specifies that the period of time wherein a tax must be assessed is extended in the case of a taxpayer whose assets are in the control or custody of a court or in the case of a taxpayer who has filed bankruptcy proceedings.

The act also provides clarifications regarding:

- The department of revenue's authorization to sell a delinquent taxpayer's motor vehicle;
- Other remedies that a district court has available in the case of a delinquent taxpayer; and

- When property or rights to property must be surrendered to the executive director of the department of revenue and what the penalties are for failing to surrender such property.

APPROVED by Governor March 28, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-233 Income tax - combined reporting. Two or more corporations controlled by the same interests are required to file a combined report in certain instances for apportioning income for Colorado income tax purposes. The Colorado court of appeals recently interpreted existing law to exclude all holding companies purportedly without property or payroll from combined reports. The act clarifies that only corporations with property and payroll located outside the United States are excluded from a combined report. The act further clarifies when the treatment of the activities of a partnership is treated as the activity of a member of an affiliated group of corporations. The act requires the department of revenue to convene a stakeholder working group to discuss and report on issues related to combined tax reporting.

APPROVED by Governor May 31, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-255 Property tax - residential assessment rate. Based on a residential target percentage that is equal to 45.69%, the act lowers the residential assessment rate from 7.2% to 7.15% for property tax years commencing on and after January 1, 2019, until the next property tax year that the general assembly adjusts the rate.

APPROVED by Governor June 3, 2019

EFFECTIVE June 3, 2019

H.B. 19-1005 Income tax - tax credit - eligible early childhood educators. The act provides a refundable income tax credit to an eligible early childhood educator with a federal adjusted gross income less than or equal to \$75,000 for an individual filing a single return, or less than or equal to \$85,000 for an individual filing a joint return, who, for at least 6 months of the taxable year for which the credit is claimed, holds an early childhood professional credential and is either the licensee of an eligible program or employed by an eligible program. The act specifies that an eligible program means either an early childhood education program or a licensed family child care home and the eligible program must have held at least a level 2 quality rating under the Colorado shines quality rating and improvement system for the income tax year for which the credit is claimed and, for the income tax year for which the credit is claimed, either have fiscal agreements with the Colorado child care assistance program or be a program that meets the federal early head start or head start standards. The amount of the credit is dependent on the eligible early childhood educator's credentialing level and is annually adjusted for inflation. The department of human services is required to provide to the department of revenue an annual report of each individual who held an early childhood professional credential during the previous calendar year for which the income tax credit is allowed.

The act takes effect only if, at the November 2019 statewide election, a majority of voters do not approve a referred measure that allows the state to increase the cigarette tax, increase the tobacco products tax, and to create a new tax on nicotine products and use a significant portion of the tax revenue for preschool programs and expanded learning opportunities. If the voters at the November 2019 statewide election do not approve such a measure, then the act takes effect on the date of the official declaration of the vote thereon by the governor.

APPROVED by Governor May 13, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1011 Manufactured homes - sales tax exemption clarification. As it existed before the enactment of the act, the state sales and use tax exemption statute (exemption statute) exempted from state sales tax, and through operation of another statute also exempted from local sales taxes, 48% of the purchase price for the initial sale of "factory-built housing" and 100% of the purchase price for any subsequent sale of a "manufactured home" (sales tax exemption). The exemption statute referenced another statute defining "factory-built housing", but in Senate Bill 03-182, concerning the consolidation of programs implemented by the department of local affairs that pertain to the regulation of construction, the general assembly replaced the existing definition of "factory-built housing" with a new definition of "factory-built residential structure", and the statute referenced in the exemption statute actually defines the latter term. This definition of "factory-built residential structure" includes only "structures designed to be installed on a permanent foundation" and therefore arguably limited the sales tax exemption, which had previously clearly applied to structures designed for occupancy in either temporary or permanent locations, to only those structures designed to be installed on permanent foundations.

The act clarifies the scope of the sales tax exemption by amending the exemption statute to exempt "manufactured homes" instead of "factory-built housing", which clarifies that the sales tax exemption applies to homes designed to be installed on either temporary or permanent foundations.

APPROVED by Governor February 28, 2019

EFFECTIVE September 1, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1013 Child care expenses - income tax credit - individuals with low income - extension. For income tax years prior to January 1, 2021, a resident individual who has a federal adjusted gross income of \$25,000 or less may claim a refundable state income tax credit for child care expenses for the care of a dependent who is less than 13 years old. The act extends the tax credit for 8 years.

APPROVED by Governor May 14, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1088 Income tax credit - health care preceptors working in health care professional shortage areas - definition of "preceptorship" - continuation under the sunset law. The act makes the following modifications to the existing income tax credit for health care preceptors working in health care professional shortage areas:

- Clarifies the definition of "preceptorship" to specify that the period of time for which the period of personalized instruction, training, and supervision must be provided to be eligible to claim the tax credit is not less than 4 working weeks or 20 business days per calendar year; and
- Extends the existing sunset date under which the tax credit would expire to tax years commencing prior to January 1, 2023.

APPROVED by Governor May 30, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1135 Income tax - retrofits to an individual's residence for increased visitability - tax credit available for qualified individual's dependent. The act clarifies that the income tax credit for retrofitting a residence for increased visitability is available for changes made to a residence that benefit a qualified individual's dependent.

APPROVED by Governor April 12, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1159 Income tax - credit - innovative motor vehicles. The act modifies the amounts of and extends the number of available years of the existing income tax credits for the purchase or lease of an electric motor vehicle, a plug-in hybrid electric motor vehicle, and an original equipment manufacturer electric truck and plug-in hybrid electric truck.

APPROVED by Governor May 31, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1162 State sales tax exemption for farm equipment - extension - applicability to local sales taxes. Current law exempts cow identification systems and transponders used by a farm dairy to identify and track dairy cows from the state sales and use tax but does not otherwise exempt any equipment or systems used by a farm operation to identify or track food animals. By amending the statutory definition of "farm equipment", the act extends the existing state sales and use tax exemption to include, regardless of purchase price, any visual, electronic identification, or matched pair ear tags and electronic identification readers used to scan ear tags that are used by a farm operation to identify or track food animals, including animals used for food or in the production of food. Under the act the extension of the exemption only applies to a county or municipal sales tax if the county or municipality

amends its sales tax ordinance to include the extension of the exemption.

APPROVED by Governor May 23, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1175 Property tax - alternate protest and appeal procedures - notice and information for taxpayer - information taxpayer provides county. For counties that have elected to use the alternate protest and appeal procedures, the act requires:

- A taxpayer who owns rent-producing commercial real property to provide the assessor with property rental information (rental information) on or before July 15 of the year of the appeal; and
- The county assessor to mail the notice of determination regarding the appeal by August 15 of the year of the appeal instead of the last working day in August.

For all counties, the act modifies:

- The rental information that a petitioner appealing the valuation of rent-producing commercial property or the denial of an abatement must provide to a county; and
- The information related to a county's determination of the value that a county is required to provide to a petitioner who has filed an appeal with the board of assessment appeals.

A petitioner who provides rental information to an assessor as part of an alternate protest and appeal is not required to provide the same information in an appeal of the valuation.

APPROVED by Governor March 21, 2019

EFFECTIVE March 21, 2019

H.B. 19-1228 Income tax - affordable housing tax credit - increase in aggregate amount of tax credits that may be allocated annually. Currently, under the affordable housing tax credit, during each calendar year of the period beginning in 2015 and ending in 2024 the Colorado housing and finance authority (CHFA) may allocate tax credits in an aggregate amount up to \$5 million annually. The act increases the annual aggregate cap to \$10 million for the years beginning on January 1, 2020, and ending on December 31, 2024.

APPROVED by Governor May 17, 2019

EFFECTIVE September 1, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1240 Sales and use tax - changes in law applicable to the state and state collected local governments - establishing economic nexus - codifying destination sourcing - establishing an exception to destination sourcing - requiring marketplace facilitators to collect and remit sales tax on behalf of marketplace sellers. The act:

- Establishes economic nexus for purposes of retail sales made by retailers without physical presence and specifies that the economic nexus does not apply for sales made by such retailers prior to June 1, 2019;
- Codifies the department of revenue's destination sourcing rule for state sales tax collection, for sales taxes imposed by any statutory incorporated town, city, or county, and for special districts, but specifies that a small retailer may source its sales to the business' location regardless of where the purchaser receives the tangible personal property or service until a geographic information system provided by the state is online and available for the retailer to determine the taxing jurisdiction in which an address resides;
- Commencing October 1, 2019, requires marketplace facilitators to collect and remit sales tax on behalf of marketplace sellers that enter into a contract with a marketplace facilitator that facilitates the sale of the marketplace seller's tangible personal property, commodities, or services through the marketplace facilitator's marketplace and also:
 - Allows marketplace facilitators to retain the vendor fee for the collection and remittance of the sales tax on sales made by marketplace sellers on its marketplace;
 - Provides the marketplace facilitator with audit relief if the marketplace facilitator can demonstrate to the satisfaction of the executive director of the department of revenue that it made a reasonable effort to obtain accurate information regarding the obligation to collect tax from the marketplace seller; and
 - Specifies that the marketplace seller does not have the liabilities, obligations, and rights of a retailer if the marketplace facilitator is required to collect and remit sales tax on its behalf, including licensing, collection, and remittance requirements; and
- Repeals outdated references to remote sales and remote sellers that were added pursuant to House Bill 13-1295, concerning the implementation of the minimum simplification requirements of the proposed federal "Marketplace Fairness Act of 2013" in order for the state to be authorized by the federal government to require remote sellers to collect sales tax on taxable sales made within the state, but are not applicable because Congress never enacted an act that authorizes states to require certain retailers to pay, collect, or remit state or local sales taxes.

APPROVED by Governor May 23, 2019

PORTIONS EFFECTIVE June 1, 2019
PORTIONS EFFECTIVE October 1, 2019

H.B. 19-1256 Returns - electronic filing and payment. The act requires taxpayers, not including individual income taxpayers, to both file tax returns and pay amounts due for specified taxes electronically.

APPROVED by Governor May 31, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1264 Income tax - credit for donation of conservation easement - extend repeal of conservation easement oversight commission and easement holder certification program -

alternative valuation method - conservation easement working group - disclosure form - access to COMaP. A conservation easement is an agreement in which a property owner agrees to limit the use of his or her land in perpetuity in order to protect one or more specified conservation purposes. The instruments creating the conservation easement are recorded in the public records affecting the ownership of the property. The conservation easement is held by a third party (holder), which monitors the use of the land and ensures that the terms of the agreement are upheld. A state income tax credit is currently allowed for a portion of the value of a donated conservation easement.

The statutes establishing the conservation easement oversight commission and the program to certify conservation easement holders in the division of conservation are currently set to repeal on July 1, 2019. The act extends the repeal dates for each to July 1, 2026. In addition, the act:

- Eliminates a requirement that the board of real estate appraisers establish education and experience requirements for conservation easement appraisers;
- Relocates and modifies certain provisions governing the creation and valuation of conservation easements;
- Allows the division of conservation to use an alternative method acceptable to the division and the conservation easement oversight commission to value a conservation easement;
- Modifies provisions governing a conservation easement working group convened to address specified issues relating to claiming a state income tax credit for the donation of a conservation easement;
- Requires the owner of property who is granting a conservation easement to execute a disclosure form developed by the division of conservation and the conservation easement oversight commission regarding the easement;
- Modifies provisions governing when a conservation easement may be extinguished;
- Prohibits a conservation easement for which a state income tax credit has been allowed from being released, terminated, extinguished, or abandoned by merger, which occurs when the same entity holds both the easement and the land subject to the easement;
- Increases the total amount that may be claimed as an income tax credit for an individual donation of a conservation easement, but limits the amount that may be claimed per year; and
- Makes a \$250,000 appropriation to Colorado state university to facilitate the provision of public access to the Colorado ownership, management, and protection (COMaP) service which maintains a database and corresponding map of conservation easements and other protected lands in Colorado.

Additionally, the act makes conforming amendments to certain statutory sections contained in HB 19-1172, which recodifies title 12, Colorado Revised Statutes, to ensure that the provisions of the act will be effective as a result of HB 19-1172 becoming law.

Specifies that certain sections take effect only if House Bill 19-1172 becomes law.

APPROVED by Governor June 3, 2019

PORTIONS EFFECTIVE June 3, 2019
PORTIONS EFFECTIVE October 1, 2019

H.B. 19-1323 Charitable organizations - tax exempt sales. Under current law, up to \$25,000 of the funds raised by a charitable organization through occasional sales are exempt from state sales tax. The act increases that amount to \$45,000; removes the requirement that these sales by charitable organizations take place for no more than 12 days, whether consecutive or not, during any calendar year; and allows these sales to cover the sale of tangible personal property, commodities, or services otherwise subject to tax under the state sales and use tax.

APPROVED by Governor May 23, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 19-1329 Sales and use tax - wholesale sales - agricultural commodities - fertilizer and spray adjuvants. Wholesale sales are not subject to sales and use taxes. The act includes sales of fertilizer and spray adjuvants used in the production of agricultural commodities in the definition of "wholesale sales" for sales and use tax purposes.

APPROVED by Governor May 23, 2019

EFFECTIVE May 23, 2019

TRANSPORTATION

S.B. 19-17 Prerequisites for land acquisition - department of transportation. Previously, the law provided that when the department of transportation (CDOT) needs to acquire land in order to establish, open, relocate, widen, add mass transit to, or otherwise alter a portion of a state highway, it may only acquire the land after:

- The chief engineer of CDOT has provided a written report to the transportation commission that describes the project and all land to be acquired for the project, includes a map of the existing and future boundaries of the highway, and estimates the damages and benefits to each affected landowner; and
- The transportation commission has determined that, after providing 10 days written notice to the affected landowner of the date, time, and location of the commission meeting at which a resolution to authorize a proposed action and the filing of a petition in condemnation for land will be considered and providing the landowner with an opportunity to be heard at the meeting, the project will serve public interest or convenience and adopted a resolution authorizing the chief engineer to offer affected landowners appropriate compensation.

The act authorizes CDOT, acting through the chief engineer, to acquire land in such circumstances by purchase or exchange without providing the report or obtaining transportation commission approval. If CDOT needs to acquire land in such circumstances through condemnation, it must provide the report and obtain transportation commission approval.

APPROVED by Governor March 28, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 19-76 Consulting engineer contracts for transportation projects - study by efficiency and accountability committee - report. The act requires the efficiency and accountability committee of the department of transportation (CDOT) to study and report to the executive director of CDOT and the transportation commission its findings and any recommendations regarding the following issues relating to consulting engineer contracts for CDOT projects:

- Implementation of fixed bid procurement in lieu of bids based on hourly charges;
- The quality assurance process;
- The revolving door of retired CDOT employees going to work for consultants;
- Incentives for closing out project contracts, early project completion, and timely problem resolution; and
- Project staffing and implementation of a work plan for consistent CDOT and consultant construction project administration.

CDOT must annually report to its legislative oversight committees, as part of its annual "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearing, regarding the findings and any recommendations reported by the

efficiency and accountability committee and the position of CDOT with respect to the findings and any recommendations.

APPROVED by Governor April 12, 2019

EFFECTIVE April 12, 2019

S.B. 19-239 Impacts of new and emerging transportation technologies and business models - stakeholder group examination and policy recommendations report - department of transportation report and recommendations - rules. The act requires the department of transportation (CDOT) to convene and engage in robust consultation with a stakeholder group comprised of representatives of specified industries, workers, governmental entities, planning organizations, and interest groups that will potentially be affected by the adoption of new and emerging transportation technologies and business models. The stakeholder group is required to:

- Examine the economic, environmental, and transportation system impacts of the adoption of new and emerging transportation technologies and business models;
- Identify potential means of addressing the impacts that increase positive impacts and mitigate negative impacts; and
- Present to CDOT, no later than November 1, 2019, a report of policy recommendations regarding the impacts examined and means of addressing those impacts, potentially with funding from the imposition of fees on the use of a motor vehicle used for commercial purposes, as defined by the act. The report must identify potential fees that are structured and reasonably calculated to:
 - Generate sufficient revenue for the state and local governments to mitigate specified impacts to the transportation system;
 - Fund needed transportation infrastructure, including multimodal infrastructure and the infrastructure needed to support the adoption of zero-emissions vehicles;
 - Defray the administrative costs of fee collection;
 - Incentivize the adoption of zero-emissions vehicles for utilization as motor vehicles used for commercial purposes; and
 - Incentivize multiple passenger ride sharing for motor vehicles used for commercial purposes and the use of such vehicles as a first and last mile solution for users of public transit.

The act defines "motor vehicle used for commercial purposes":

- To include:
 - A motor vehicle that is used to provide passenger transportation services purchased through a transportation network company, a peer-to-peer car sharing company, a car sharing company that does not use a peer-to-peer business model, or a company that provides taxicab service;
 - A motor vehicle that is rented out by a rental car company; and
 - A motor vehicle that is used for residential delivery of goods; and
- To exclude:
 - A motor vehicle used to deliver goods that is used only to deliver goods;

- To addresses other than residences; or
- That are delivered as freight;
- A motor vehicle that has a gross vehicle weight rating of more than fourteen thousand pounds; or
- A motor vehicle that is operated for the purpose of transporting passengers:
 - Under a contract with the regional transportation district a regional transportation authority, or any other governmental or public entity; or
 - By a common carrier other than a company that provides taxicab service.

CDOT is required to report on the progress and policy recommendations of the stakeholder group, CDOT's preliminary plans and recommendations regarding the development and promulgation of rules, and any recommendations that CDOT has regarding the need for related legislation during its 2019 annual presentation to legislative oversight committees required by the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act". No later than October 1, 2020, within any statutory parameters established by the general assembly through legislation enacted during the 2020 legislative session, and giving strong consideration to the policy recommendations report provided by the stakeholder group, CDOT is required to promulgate rules to the extent necessary to effectively implement the act. If the general assembly does not impose fees on motor vehicles used for commercial purposes through legislation enacted during the 2020 legislative session and instead enacts legislation that authorizes CDOT or any CDOT enterprise to impose such fees, the rules may impose fees to the extent authorized by the legislation. During the 2020 legislative interim, CDOT must present a final written report regarding the stakeholder group, rule-making processes, and rules promulgated to the transportation legislation review committee.

APPROVED by Governor May 31, 2019

EFFECTIVE May 31, 2019

S.B. 19-262 General fund transfer to highway users tax fund for state fiscal year 2019-20. The act requires the state treasurer to transfer \$100 million from the general fund to the highway users tax fund on July 1, 2019, for allocation to the state highway fund, counties, and municipalities in accordance with the existing "second stream" allocation formula, which allocates the money as follows:

- 60% to the state highway fund;
- 22% to counties; and
- 18% to municipalities.

APPROVED by Governor June 3, 2019

EFFECTIVE June 3, 2019

S.B. 19-263 Submission of statewide ballot issue for approval of transportation revenue anticipation notes - delay from 2019 to 2020. Before the enactment of the act, state law, enacted by Senate Bill 18-001, required that a ballot issue seeking approval for the issuance of transportation revenue anticipation notes (TRANS) be submitted to the voters of the state at the November 2019 statewide election. Upon approval of the ballot issue, the requirement, enacted by Senate Bill 17-267, that the state execute 3 separate tranches of up to \$500 million each of lease-purchase agreements in state fiscal years 2019-20, 2020-21, and 2021-22 for

the purpose of funding transportation would have been repealed. The act:

- Delays the requirement that the ballot issue be submitted for one year by requiring it to be submitted at the November 2020 general election rather than the November 2019 statewide election;
- Amends the ballot issue to reduce the amount of TRANs authorized to be issued by \$500 million to offset the additional \$500 million of lease-purchase agreement transportation funding that becomes available because the approval of the ballot issue at the November 2020 general election will repeal only the 2 state fiscal year 2020-21 and 2021-22 tranches of lease-purchase agreements, rather than the 3 state fiscal year 2019-20, 2020-21, and 2021-22 tranches of lease-purchase agreements; and
- Extends from 20 to 21 years the period for which, as enacted in Senate Bill 18-001, annual \$50 million transfers from the general fund to the state highway fund are required.

APPROVED by Governor May 29, 2019

EFFECTIVE May 29, 2019

H.B. 19-1209 Intrastate air carriers - reports to aeronautics division. The act removes the requirement that air carriers providing intrastate air service within Colorado file semiannual reports with the aeronautics division regarding the on-time performance and the number of passengers denied boarding on intrastate flights by the air carrier.

APPROVED by Governor April 10, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

WATER AND IRRIGATION

S.B. 19-212 State water plan - grant program - appropriations. Section 1 of the act:

- Creates the water plan implementation grant program (program); and
- Specifies criteria for expenditures by the Colorado water conservation board (board) for the program.

The act appropriates:

- \$8.3 million from the general fund to the department of natural resources (department) for use by the board to finance grants; and
- \$1.7 million from the general fund to the department for use by the board for stakeholder outreach and technical analysis to develop a water resources demand management program.

APPROVED by Governor April 17, 2019

EFFECTIVE April 17, 2019

S.B. 19-221 Colorado water conservation board construction fund - project and loan authorizations - appropriations - transfers. The act appropriates the following amounts from the Colorado water conservation board (CWCB) construction fund (fund) to the CWCB or the division of water resources in the department of natural resources for the following projects:

- Continuation of the satellite monitoring system operation and maintenance, \$380,000 (section 1 of the act);
- Continuation of the Colorado floodplain map modernization program, \$500,000 (section 2);
- Continuation of the weather modification permitting program, \$175,000 (section 3);
- Continuation of the Colorado Mesonet project, \$150,000 (section 4);
- Continuation of instream flow engineering support services, \$250,000 (section 5);
- Acquisition of LIDAR data, \$200,000 (section 6); and
- Technical assistance grants for beneficiaries of the federal "Colorado River Storage Project Act", \$200,000 (section 7).

The state treasurer will make the following transfers from the fund:

- Up to \$2,000,000 on July 1, 2019, to the litigation fund (section 8); and
- \$2,500,000 on June 30, 2019, to the water supply reserve fund (section 9).

Section 10 appropriates \$17,500,000 from the fund to the CWCB for continuing implementation of the state water plan as follows:

- Up to \$4,000,000 to support watershed health goals;
- Up to \$3,000,000 to facilitate the development of additional storage, artificial recharge into aquifers, and dredging existing reservoirs;
- Up to \$1,000,000 for agricultural projects;
- Up to \$1,000,000 for grant funding to implement long-term strategies for conservation, land use, and drought planning;

- Up to \$500,000 for grants for water education, outreach, and innovation efforts;
- Up to \$1,500,000 for environmental and recreational projects;
- Up to \$1,000,000 to provide continued funding for the alternative agricultural grant program; and
- Up to \$5,500,000 to fund updates to basin implementation plans, improve basin data collection and metrics for tracking state water plan implementation, and for use of the data for future updates of the state water plan.

Section 11 authorizes the CWCB to make loans up to \$15,150,000 from the fund for the Walker recharge project, a water supply retiming effort that uses the alluvial aquifer of the South Platte river to increase irrigation opportunities for agricultural production.

Current law:

- Makes money appropriated for use in Republican river matters available until June 30, 2019; section 12 extends availability until the money is fully expended;
- Authorizes and directs the state treasurer to transfer \$200,000 from the fund to the feasibility study small grant fund; section 13 makes this an annual obligation on July 1 of each year and increases the transfer cap to \$500,000 in order to restore the unencumbered balance in the fund up to \$500,000; and
- Creates the flood and drought response fund; section 14 authorizes and directs the state treasurer to annually transfer money on July 1 of each year from the fund to the flood and drought response fund to restore the unencumbered balance in the flood and drought response fund to \$500,000.

Section 15 changes a continuing annual transfer established in statute of \$10 million from the severance tax perpetual base fund to the fund for implementation of the state water plan to a single transfer of \$10 million on July 1, 2019.

APPROVED by Governor June 3, 2019

EFFECTIVE June 3, 2019

H.B. 19-1029 Republican river water conservation district - expansion of boundaries - board of directors - composition and meeting schedule. The boundaries of the Republican river water conservation district are currently established by statute as certain counties and portions of counties that are within the Republican river basin. The act expands the boundaries by including the district areas where groundwater pumping depletes the flow of the Republican river as contemplated by applicable United States supreme court case law. The composition of the district's board of directors is adjusted accordingly.

Current law requires the Republican river water conservation district board of directors to conduct regular quarterly meetings in January, April, July, and October. The act changes these months to February, May, August, and November.

The act requires that each director of the board of directors, at the time of the director's appointment, must be a resident of Colorado; a resident of a county that is, in whole or in part, within the boundaries of the district; and an owner of real property that is within the boundaries of the district from which the director is appointed, as well as within the county or ground water management district from which the director is appointed.

APPROVED by Governor April 16, 2019

EFFECTIVE August 2, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

SUBJECT INDEX

	Bill No.	Page No.
Administrative Rule Review		
Continuation of 2018 rules of executive agencies - exceptions listed.	SB 168	1
Agriculture		
Blockchain technology - study of potential agricultural applications - creation of advisory group - report to general assembly.	HB 1247	6
Colorado food systems advisory council - relocation to Colorado state university - repeal of interagency farm-to-school coordination task force - duties - appropriation.	HB 1202	5
Commissioner of agriculture - agricultural chemical management plans - expansion to include surface water - appropriation.	SB 186	4
Food safety - produce - regulation - continuation under sunset law.	HB 1114	4
Industrial hemp - alignment with federal law - state plan of regulation. . .	SB 220	4
Pet Animal Care and Facilities Act - grounds for discipline - waiting period after license revocation - fines - mandatory sterilization - continuation under sunset law - appropriation.	SB 158	3
Regulation of public livestock markets - continuation under sunset law - licensure.	SB 150	2
Seed potato act - advisory committee - continuation under sunset law. . . .	SB 148	2
Seed potato act - continuation under sunset law.	SB 147	2
Appropriations		
General appropriation act - 2019 - long bill.	SB 207	10
Legislative appropriation - reappropriation from general assembly to legislative council.	SB 203	10
Supplemental appropriation - department of corrections.	SB 111	7
Supplemental appropriation - department of health care policy and financing.	SB 113	7
Supplemental appropriation - department of human services.	SB 114	7
Supplemental appropriation - department of local affairs.	SB 117	8
Supplemental appropriation - department of personnel.	SB 119	8
Supplemental appropriation - department of public health and environment.	SB 120	9
Supplemental appropriation - department of regulatory agencies.	SB 122	9

	Bill No.	Page No.
Supplemental appropriation - judicial department.	SB 115	8
Supplemental appropriation - military and veterans affairs.	SB 118	8
Supplemental appropriation - offices of the governor, lieutenant governor, and state planning and budgeting.	SB 112	7
Supplemental appropriations - capital construction.	SB 127	10
Supplemental appropriations - department of law.	SB 116	8
Supplemental appropriations - department of public safety.	SB 121	9
Supplemental appropriations - department of revenue.	SB 123	9
Supplemental appropriations - department of the treasury.	SB 126	10
Supplemental appropriations - department of transportation.	SB 125	10
Supplemental appropriations - the department of state.	SB 124	9

Children and Domestic Matters

Adoption assistance program - department of human services - appropriation.	SB 178	13
Background checks - access to child abuse and neglect records - individuals who work with children - required fingerprint-based background checks.	SB 177	13
Child custody - Indian child - Align requirements with federal Indian Child Welfare Act.	HB 1232	17
Child placement agencies - delegating care of a minor - temporary care assistance program - appropriation.	HB 1142	14
Child support commission recommendations - changes to the Colorado child support guidelines - administrative lien and levy - child support enforcement services fee - appropriation.	HB 1215	16
Child welfare - permanency hearing - burden of proof - clarifications. . . .	HB 1219	17
Colorado commission on criminal and juvenile justice - study juvenile justice services for young adults.	HB 1149	15
Court-appointed special advocate programs - program oversight.	HB 1282	17
Emergency child welfare placements - criminal history record check - Indian tribes.	HB 1305	18
Foster care - bill of rights for sibling youth in foster care.	HB 1288	17
Juvenile detention beds - cap reduction - report - appropriation.	SB 210	14
Juvenile justice reform - committee - membership - duties - juvenile detention working group - additional duties - district attorneys and juvenile probation use of screening tools - appropriation.	SB 108	12

	Bill No.	Page No.
Juvenile record expungement - clarifications - expunge diversion without filing a case - when expungement is triggered - class 2 and 3 misdemeanor sex offenses expungement - decide continued sex offender registration with expungement - who receives notice of expungement - municipal expungement.....	HB 1335	18
Marriage of underage persons - issuance of marriage license - rights and conditions - appropriation.....	HB 1316	18
Respondent parents' counsel - access to judicial department information - representation in reinstatement petition.	HB 1104	14
Consumer and Commercial Transactions		
Appliances and plumbing fixtures - water and energy efficiency standards for new products sold in Colorado - phase-in of requirements - list of products covered - rule-making authority - enforcement.	HB 1231	21
Consumer protection - violations based on recklessness - increased penalties for certain violations - calculation of damage awards.	HB 1289	22
Peer-to-peer car sharing - insurance - equipment - notifications.....	SB 90	20
Sign language interpreters - title protection - certification - appropriation.	HB 1069	21
Student loan servicers - license requirement - regulation by assistant attorney general - appropriation.	SB 2	20
Corporations and Associations		
Business entities - updates to governing law - appropriation.	SB 86	23
Corrections		
County jails - data collection - appropriation.....	HB 1297	26
Facilities - menstrual hygiene products.	HB 1224	26
Prison population management - file review - technical violations revoke parole - parolee intensive treatment program - full board approval circumstance - reentry services if not released on parole - table parole review - appropriation.	SB 143	25
State board of parole - membership - appropriation.	SB 165	25
State prisons - bed shortages - CSP II - input from prison population interim committee.	SB 259	25
Courts		
Anti Strategic lawsuit against public participation - motions to dismiss - appeal.	HB 1324	35

	Bill No.	Page No.
Child hearsay exception.....	SB 71	29
Commissions on judicial performance - senior judges - vacancies - surveys.	SB 187	30
Court facility dog - requirements - jury instruction.....	HB 1220	33
Criminal record sealing - simplified sealing no conviction - petition for sealing petty offenses through class 3 felonies and level 2 drug felonies - appropriation.....	HB 1275	34
District court judges - increases - outreach position - reports - appropriation.	SB 43	28
Firearms - extreme risk protection order - petition requirements - hearings - firearm surrender options - termination hearing - appropriation.	HB 1177	31
Forcible entry and detainer - legal aid services - eviction legal defense fund - appropriation.....	SB 180	30
Juvenile court jurisdiction for guardianship and parental responsibilities proceedings - findings supporting federal special immigrant juvenile classification.....	HB 1042	30
Limitations on damages - adjustment for inflation every 2 years.	SB 109	29
Public guardianship - commission - office of public guardianship - appropriation.....	HB 1045	31
Restorative justice coordinating council - expenses reimbursement.	HB 1205	33
State court administrator - court reminder program - appropriation.	SB 36	28
Uniform civil remedies for unauthorized disclosure of intimate images act.....	SB 100	29
Violation of rental agreements - notice requirements - time to cure violation.	HB 1118	31
Wage garnishment - disposable earnings - hardship exemption - notice - applicability.	HB 1189	32
 Criminal Law and Procedure		
Animal cruelty - cruelty to police working horses.....	HB 1180	43
Animal cruelty - mental health treatment - order preventing pet ownership.....	HB 1092	42
At-risk persons - unlawful abandonment - false imprisonment - appropriation.....	SB 172	38
Competency to proceed - timing - services - reports - tracking system - placement guidelines - training - immunity - appropriations.....	SB 223	40
Controlled substances - possession offenses - sentencing - substance use and mental health treatment - appropriation.	HB 1263	45

	Bill No.	Page No.
Criminal justice programs - cash funds created - transfers.	SB 64	38
Criminal mental health programs - extension - report - appropriation. . .	SB 211	40
Criminal sentencing - misdemeanors and municipal violations - change maximum penalty from one year to 364 days.	HB 1148	43
Defendant pretrial release - no monetary bond for low level offenses. . .	HB 1225	43
Failure to advise consequences of guilty pleas or dismissal of charges - unconstitutionality - procedure - appropriation.	SB 30	37
Human trafficking prevention training - division of criminal justice - gifts, grants, and donations for training - school safety resource center materials and training.	HB 1051	41
Juvenile advisement of rights - accompanying adult's adverse interest - admissibility.	HB 1315	46
Minor victims of human trafficking - immunity - affirmative defense report - post-enactment review.	SB 185	38
Peace officers - peace officers mental health support grant program - eligible applicants - use of grant money - reports required.	HB 1244	43
Pretrial release - post bond within 2 hours - nominal processing fees - release 4 hours after posting bond - release even if costs or fees need to be paid - plan for bond hearing within 48 hours - application of bond toward fees, costs, fines, restitution, or surcharges.	SB 191	39
Prohibiting posting image of a minor committing suicide - class 3 misdemeanor - exceptions.	HB 1334	47
Restitution - interest - accrual - lower to 8% - appropriation.	HB 1310	46
Secondhand dealers - gift card transactions - record-keeping.	SB 14	37
Sex crimes - unlawful electronic sexual communication - minors.	HB 1030	41
Sex offenses - sexual contact definitions.	HB 1155	43
Statute of limitations - failure to report child sexual abuse - 3 years.	SB 49	37
Substance use disorders - alternatives to arrest and criminal charges for persons in need of substance use treatment - treatment in prisons and jails - record sealing - harm reduction program - appropriation.	SB 8	36
Theft - wages - failure to pay wages - paying less than the minimum wage.	HB 1267	46
Unlawful sexual conduct by a peace officer - new offense - sex offender registration required - appropriation - applicability.	HB 1250	44
Victim notification - eliminate opt-in.	HB 1064	42
 Education - Postsecondary		
Area technical colleges - capital construction and equipment requests. . .	SB 97	73

	Bill No.	Page No.
College kickstarter account program - collegeinvest-provided initial funding for individual college savings accounts - program outreach and marketing - financial literacy education - ongoing program evaluation.	HB 1280	77
Colorado mountain college - authorization for baccalaureate degree program - local college district annexations - funding.	HB 1153	76
Colorado second chance scholarship program - appropriation.	SB 231	75
Colorado state university global campus - national guard tuition assistance.	SB 194	75
Colorado water institute recreation.	HB 1015	76
Commission duties - funding formulas - 5-year reviews.	SB 95	73
Community colleges and occupational education - earned construction industry registered apprenticeship program credit - transfer to college credit - working group - appropriation.	HB 1294	78
Community colleges and occupational education - state student advisory council - membership requirement.	HB 1152	76
CSU-Pueblo - Institute of Cannabis Research - governing board - host institution relocation.	HB 1311	79
Distribution of student loan repayment information - public service employees.	SB 57	72
Educator loan forgiveness program - appropriation.	SB 3	71
Educators in rural areas - financial incentives.	SB 9	72
Financial assistance programs - student eligibility - Colorado high school graduates.	HB 1196	77
Sexual misconduct - policies - training - reports - biennial summits - advisory committee.	SB 7	71
State institutions of higher education - application for admission - criminal or educational disciplinary history inquiry.	SB 170	73
State institutions of higher education - requirements for developmental education and basic skills courses - supplemental academic instruction.	HB 1206	77
State institutions of higher education - tuition assistance - dependents of military members - dependents of law enforcement officers and firefighters.	SB 174	74
Teacher preparation - best practices - teacher mentor grant program - license endorsement - teacher preparation program requirements - appropriation.	SB 190	74
Western state Colorado university - name change.	HB 1178	76

	Bill No.	Page No.
Education - Public Schools		
Accountability - local accountability system grant program - supplemental performance report - alternative format - evaluation - reporting - appropriation.....	SB 204	56
Advanced courses - automatic enrollment grant program - appropriation..	SB 59	48
Advisory council for parent involvement in education - continuation - appropriation.....	SB 161	52
Behavioral health care professional matching grant program - use of grant money - behavioral health care services - contracts with community providers - appropriation.	SB 10	48
Colorado food - school grant program - nonprofit grant program - appropriation.....	HB 1132	64
Colorado K-5 social and emotional health act - pilot program - appropriation.	HB 1017	60
Colorado student leaders institute - extension - appropriation.....	SB 137	51
Comprehensive human sexuality education - content requirements - grant program - appropriation.	HB 1032	61
Computer science education grant program - appropriation.	HB 1277	70
Concurrent enrollment - transfer of credits - website - concurrent enrollment expansion and innovation grant program - appropriations.....	SB 176	52
Dyslexia screening and interventions - working group - pilot program - appropriation.....	HB 1134	65
Education - concurrent enrollment advisory board - continuation under sunset law.	SB 189	54
Education - performance indicators - graduation rate - counting students enrolled in special education services.	HB 1066	64
Educator licensing - nonpublic school educator licensing programs.....	SB 69	49
Educator licensure - requirements for out-of state applicants.	HB 1059	63
Elimination of duplicate regulations commission - health and safety requirements.....	SB 104	50
Enhance school safety incident response grant program - deadlines - appropriation.....	SB 179	53
Financing for K-12 public schools - transfer to the state education fund - rural school funding - tier B special education funding - ninth grade success grant program - health and wellness through comprehensive physical education grant program - appropriation.	SB 246	58
Full-day kindergarten - funding - appropriation.	HB 1262	69
High school innovative learning pilot program - appropriation.....	SB 216	57

	Bill No.	Page No.
High schools - accelerated college opportunity exam fee grant program. .	HB 1222	68
High-cost special education trust fund - trust fund grants.	SB 66	49
History and civil government - history, culture, social contributions, and civil government in education commission - appropriation.	HB 1192	66
Innovation schools - community schools.	SB 102	50
Interdistrict transportation of students.	SB 39	48
Legislative interim committee on school finance - 2019 legislative interim - expenses.	SB 94	50
Media literacy advisory committee - recommendations - appropriation. . .	HB 1110	64
Multi-district online schools - enrollment data - accountability.	SB 129	51
Nationally certified school professionals - annual stipends.	HB 1036	61
Parents encouraging parents conference - appropriation.	SB 215	57
Public school capital construction - increase in state financial assistance - adjustment to formula for determining total financial assistance for charter schools - financial assistance for full-day kindergarten facilities - appropriations.	HB 1055	62
READ act - programming - teacher training - evaluation - distribution of money - appropriations.	SB 199	54
Safe haven program - information - comprehensive health education in schools.	SB 25	48
School counselor corps grant program - applications for federal or state student aid - appropriation.	HB 1187	66
School district board of education - specific powers - sale and conveyance of district property - use restrictions.	HB 1100	64
School district capital construction assistance program - grants to support career and technical education.	HB 1008	59
School districts - organization.	SB 183	53
School employees - background checks - fingerprinting.	HB 1186	66
School finance - mid-year adjustment to state share of total program funding - appropriation.	SB 128	51
School leadership pilot program - appropriation.	HB 1002	59
School lunch - free and reduced price school lunch - appropriation.	HB 1171	66
School nurse grant program - appropriation.	HB 1203	67
Student discipline - preschool through second grade - suspension - expulsion.	HB 1194	67
Teacher cadet program - early childhood education.	HB 1137	65
Workforce diploma pilot program - performance payments to qualified providers for student outcomes - appropriation.	HB 1236	68

Elections

Campaign and political finance - contributions to issue committees - campaign activity by noncitizens - restrictions on independent expenditure committees - expanded disclaimer requirements for independent expenditures - written affirmation where certain money transfers are earmarked for particular campaign purposes - disclosure by issue committees and small-scale issue committees - appropriation.....	HB 1318	85
Campaign and political finance - rules of the secretary of state - enforcement procedures.....	SB 232	82
Campaign contribution limits - county offices - appropriation.	HB 1007	83
Electioneering communications - disclosure during period between primary and general election - disclaimer requirement.	SB 68	81
Individuals serving a sentence of parole - eligibility to register and vote - meaning of full term of imprisonment - appropriation.....	HB 1266	84
Interstate agreement to elect president of the United States by national popular vote.	SB 42	80
Notice and preparation for elections - accessibility for voters with disabilities - independent and private marking of ballot - electronic voting device - appropriation.....	SB 202	81
Uniform Election Code of 1992 - modifications - appropriation.....	HB 1278	84
Use of campaign contributions received for reasonable and necessary expenses - care of children or other dependents.....	SB 229	82
Voter registration - transfer of records from department of revenue - transfer of records from department of health care policy and financing - voter registration agency reports - verification of signatures - appropriation..	SB 235	82

Financial Institutions

Life care institutions - reserve requirement - surety bond option.	HB 1043	87
Securities - registration and licensing requirements - exemptions - cryptocurrency - Colorado Digital Token Act.	SB 23	87

General Assembly

Capital construction - repeal of requirement to recommend new method of financing the state's capital needs.....	HB 1214	91
Capital development committee - appointments - chair and vice-chair elections.	HB 1020	89
Colorado human trafficking council - continuation under the sunset law..	SB 149	88

	Bill No.	Page No.
Colorado youth advisory council - review committee - appropriation.. . . .	HB 1024	89
Demographic notes on bills - process for requesting - content of notes - appropriation.. . . .	HB 1184	90
Department presentation to legislative committees of reference - department regulatory agendas.	SB 252	89
Greenhouse gas emissions reports on bills - process for requesting - content of reports - appropriation.	HB 1188	91
Legislative council - executive committee - appointment of temporary replacements.. . . .	HB 1173	90
Office of legislative workplace relations - creation - duties - confidentiality - workplace harassment - executive sessions - exceptions to CORA - appropriation.. . . .	SB 244	88
Sunset - cold case task force.	SB 163	88

Government - County

Boards of county commissioners - delegation to county administrative officials - land use determinations affecting subdivision platting.	HB 1274	92
County - county treasurer to serve as public trustee.	HB 1295	93
Fireworks restrictions - period between May 31 and July 5 of any year - competent evidence of high fire danger.. . . .	SB 19	92

Government - Local

Colorado new energy improvement district - inclusion of housing authority property.. . . .	HB 1272	98
County, municipal, and political subdivision officers' and employees' retirement systems - employer withdrawal from system - current employees who are peace officers.	SB 106	94
County, municipality, and other political subdivisions - retirement benefits plan or system for elected or appointed officers and employees - contribution rates.	HB 1299	99
Farm stands - retail sale of goods permitted - compliance with other applicable laws.	HB 1191	96
Fire and police pension association - entry for social security employers - participation in defined benefit system.. . . .	SB 260	95
Open meetings law - executive session - developing strategy for negotiations relating to collective bargaining or employment contracts.. . . .	HB 1201	97
Peace officer-involved shooting or fatal use of force - law enforcement agency policies.	SB 91	94

	Bill No.	Page No.
Prohibition on local government requiring license or permit for a business operated on an occasional basis by a minor - minor business must be located sufficient distance from commercial entity - general police powers still apply.	SB 103	94
Public meetings - notice - online posting.	HB 1087	96
Regulation of food trucks - study.	HB 1246	97
Training and testing restrictions with certain firefighting foams - restriction on sale of certain firefighting foams - notification of chemicals in protective equipment -survey.	HB 1279	98
Urban renewal - blight determination - notice of determination.	HB 1084	96
Vendor fee rate increase - use of increased funds for affordable housing grants and loans.	HB 1245	97
Government - Municipal		
Building regulations - energy efficient building code standards required - reporting.	HB 1260	100
Government - Special Districts		
Early childhood development service districts - creation - powers and duties.	HB 1052	101
Metropolitan district - fire protection - sales tax.	HB 1047	101
Urban drainage and flood control - director compensation.	HB 1213	101
Urban drainage and flood control district - board of directors.	HB 1284	102
Government - State		
Capital construction - controlled maintenance - state architect - flexibility in administering payment of certain projects.	HB 1012	111
Capital-related transfers of money.	SB 214	109
Census outreach grant program - department of local affairs - division of local government - appropriation.	HB 1239	117
Child welfare caseworkers - prohibition on posting caseworkers' personal information on the internet if threat to caseworker - removing caseworkers' personal information in government records if threat to caseworker.	HB 1197	116
Colorado fire commission - creation - powers and duties - repeal - appropriation.	SB 40	103
Colorado secure savings plan - board - studies and analyses - report - appropriation.	SB 173	106
Contract performance and payment bonds.	SB 138	104

	Bill No.	Page No.
Department of labor and employment - Colorado call center jobs - workforce data.	HB 1306	120
Department of public health and environment - fire safety - life safety - rule-making authority - repeal.	HB 1060	111
Electric vehicle grant fund - administration.	HB 1198	116
Emergency management - homeland security and all-hazards senior advisory committee - public safety communications subcommittee - continuation under sunset law.	SB 152	104
Emergency management - homeland security and all-hazards senior advisory committee - emergency planning subcommittee - continuation under sunset law.	SB 151	104
Emergency management - resiliency office - continuation - appropriation.	HB 1292	120
Evidence-based practices implementation for capacity resource center - collaboration partners.	HB 1331	122
Excess state revenues - retain and spend - voter-approved revenue change - November 2019 election - public schools, higher education, and roads, bridges, and transit - annual audit.	HB 1257	119
Federal immigration enforcement - no arrest based on civil detainer - no personal information to immigration authorities from probation - advisement before immigration interview.	HB 1124	114
Fire suppression - registration of contractors - inspection and maintenance of fire suppression systems - continuation under sunset law.	SB 157	105
General fund transfer - state employee reserve fund.	SB 208	109
Grand Junction regional center campus - department of human services - authority to either list all or a portion of the campus for sale or transfer.	HB 1062	111
Law enforcement, public safety, and criminal justice information sharing grant program - creation - grant requirements - appropriation.	HB 1073	112
Legal investment of public funds - definitions.	HB 1179	115
Legislative services - director of research of the legislative council - state tax system working group - report - appropriation.	SB 248	109
Lieutenant governor - office of saving people money on health care - director.	HB 1127	114
List of nondeveloped real property - submission to capital development committee - report to general assembly - property tax - modification to administration of existing property tax exemption - certain affordable housing developments.	HB 1319	120

	Bill No.	Page No.
Major information technology projects - submission of budget request to joint technology committee - inclusion of written business case - office of information technology project manager - baseline metrics - change management plan.	SB 169	106
Marijuana cash fund - marijuana tax cash fund - transfers.	SB 213	109
Office of information technology - major information technology projects - change management plans - policy for use of external vendors - communications and stakeholder management plan - working groups - appropriation.	SB 251	110
Office of information technology - state agency definition - department of education excluded.	SB 253	111
Open records - peace officer internal investigation file.	HB 1119	113
Peace officers - certification revocation - appropriation.	SB 166	105
Procurement - construction bidding for public projects - apprenticeship utilization requirements - prevailing wage requirements.	SB 196	107
Procurement - source selection - disparity study.	SB 135	103
Property tax and rent assistance grant - heat assistance grant - expansion - increase.	HB 1085	113
Public employees' retirement association - employer contribution rates - local government division.	HB 1217	117
Register of historic places - approval of multiple property documentation form - state historical society - requirement that applicant obtain consent of affected landowners.	HB 1078	112
Regulation of lobbyists - clarification of term "client" - heightened disclosure requirements - secretary of state to convene working group to consider upgrades to electronic filing system used by lobbyists - appropriation. . .	HB 1248	118
Retained excess state revenues - public schools, higher education, and roads, bridges, and transit - further allocation.	HB 1258	119
Small game hunting and fishing license - columbine annual pass - property tax work-off program - first responders with a permanent occupational disability.	HB 1080	112
State auditor - access to records or other information for audits of specified entities that are not state agencies - criminal liability and penalties for willful and knowing premature disclosure of contents of such audits. . .	HB 1136	114
Transfer of money from unclaimed property trust fund to housing development grant fund - expansion of permitted uses of money in housing development grant fund.	HB 1322	122
Wildland fires - aerial firefighting - patrolling airspace - appropriation. . .	SB 20	103

	Bill No.	Page No.
Health and Environment		
Advance directives - health care providers - electronic advance health care directive system - appropriation.	SB 73	128
Air pollution - greenhouse gas emission reporting - air quality control commission - rules - appropriation.	SB 96	129
Air pollution - statewide greenhouse gas pollution abatement - air quality control commission - rules - appropriation.	HB 1261	141
Assisted living residence - referral agency - disclosures required - documentation - penalties.	HB 1268	141
Automated external defibrillator - placement of AED in public place - acceptance of donated AED - appropriation.	HB 1183	140
Child abuse and neglect - CARENetwork - resource center - appropriation.	HB 1133	139
Colorado Cancer Drug Repository Act - repeal.	SB 81	129
Dialysis care - hemodialysis clinics and technicians - continuation under sunset law - regulation - supervision by licensed professional nurses. . .	SB 145	130
Drug manufacturer, representative, agent, or employee - prescription drug marketing - disclosure of drug information required.	HB 1131	139
Emergency medical service providers - application for licensure - eligibility.	SB 242	133
Emergency medical service providers - peer health assistance program - authorized providers - administering entity - appropriation.	SB 65	127
Emergency medical service providers - scope of practice - medical supervision of practice in a clinical setting - prehospital scope of practice - state board of health rules.	SB 52	127
Freestanding emergency departments - mandatory licensure - exceptions - appropriation.	HB 1010	134
Health facilities - health care providers - adverse health care incidents - protected communications with patients.	SB 201	132
Hospitals - regulation of surgical smoke - prevention of human exposure.	HB 1041	136
Implementation of emergency medical and trauma care systems implementation - state board of health - identification of criteria for county regional systems - repeal.	SB 44	126
Industrial hemp - regulation of industrial hemp products - increased wholesale food manufacturer fee - stakeholder process - local regulation.	SB 240	133

	Bill No.	Page No.
Licensing of home care agencies and registration of home care placement agencies - continuation under sunset law.	SB 146	130
Maternal mortality review committee - creation - appointments - duties - sunset review - appropriation.	HB 1122	138
Medical marijuana - primary caregivers - juvenile patient - appropriation.	HB 1031	135
Medication-assisted treatment expansion pilot program - extension - administration - additional counties to participate - funding increase - appropriation.	SB 1	123
Nursing home penalty cash fund - reserve - grant cap - repeal related program sunset.	SB 254	133
Prescription drugs - Canadian prescription drug importation program - federal approval - eligible importers and suppliers - eligible prescription drugs - distribution requirements - reports - rules - appropriations.	SB 5	123
Public health - radiation advisory committee - reimbursement for expenses.	SB 45	127
Public hospitals - boards of trustees - membership - acquisition of real and personal property by lease.	HB 1065	137
Recovery from substance use disorders - housing vouchers - recovery residence standards and requirements - recovery residence certification grant program - creation of the opioid crisis recovery funds advisory committee - appropriation.	HB 1009	134
Registrar of vital statistics - department of revenue - issuance of new a birth certificate, driver's license, or identity document - requirements - appropriation.	HB 1039	136
Retail food establishments - inspections - penalties for violations.	HB 1014	135
Smoking restrictions - application to vape and e-cigarette use - exemptions - age restrictions in permitted smoking areas - signage - penalties.	HB 1076	138
State board of health - area trauma advisory councils - rules - repeal.	SB 80	129
State board of health - preparation of department operational planning - repeal.	HB 1068	137
State board of health - repeal authority over money for state and local public works or public health functions.	SB 82	129
State board of health - repeal of approval for retention of counsel.	SB 21	126
State board of health - supervision of air quality control programs - repeal.	SB 83	129
State board of health - water quality control - joint operating agreement approval - water conservancy district board of directors - rules.	HB 1071	137
Statewide health care review committee - creation - membership - duties - appropriation.	SB 15	126

	Bill No.	Page No.
Substance testing by department - repeal.....	HB 1070	137
Substance use disorders - school districts, nonpublic schools, and specified public persons may obtain and administer opiate antagonists - definition of drug paraphernalia - hospitals as clean syringe exchange sites - opiate antagonist bulk purchase fund - household medication take-back program - identity verification for individuals initiating into treatment - appropriation.....	SB 227	132
Waste diversion - front range waste diversion enterprise created - increased waste diversion goals established - new tipping fee - grant program... .	SB 192	130
Waste tires - increased fee assessed on new tires sold - rebates for waste tires processed - waste tire monofill requirements - appropriation.	SB 198	131
Water quality - water quality control commission - reclaimed domestic wastewater - point of compliance.....	HB 1200	140

Health Care Policy and Financing

Children's basic health plan - dental services for pregnant women - appropriation.....	HB 1038	145
Colorado medical assistance act - breast and cervical cancer prevention and treatment program - repeal date extended - appropriation.	HB 1302	146
Complementary and alternative medicine for a person with a spinal cord injury - pilot program - continuation - report.	SB 197	142
Dental program for seniors - review - maximum reimbursement rates. . . .	HB 1326	147
Denver health and hospital authority - managed care organization contract.	HB 1285	146
Health care providers' accountability to communities - community health needs assessments - community benefit implementation plans - public meetings.	HB 1320	146
Home care agencies - department to request increase in federal reimbursement rate for certain services - minimum wage - wage pass-through requirement - training - appropriation.....	SB 238	143
Hospitals - healthcare affordability and sustainability enterprise board - annual hospital expenditure report - hospital report card and hospital charge report recommendations.	HB 1001	144
Medicaid - 1115 demonstration waiver - criminal or juvenile justice system prevention - mental health institute admission criteria - community behavioral health safety net system - appropriation.....	SB 222	142
Medicaid - PACE program funding - interim review of funding methodology - appropriation.	SB 209	142

	Bill No.	Page No.
Proposal for a state option for health care coverage - creation - division of insurance - appropriation.	HB 1004	145
Human Services - Behavioral Health		
Access to behavioral health supports for high-risk families - pregnant and parenting women - high-risk families cash fund - child care services and substance use disorder treatment pilot program - regional mobile child care model - appropriation.	HB 1193	152
Access to behavioral health treatment - capacity tracking system - care navigation program - building substance use disorder treatment capacity in underserved communities grant program - appropriation.	HB 1287	154
Advance behavioral health orders for scope of treatment form.	HB 1044	151
Behavioral health entities - single license - advisory committee timelines - appropriation.	HB 1237	153
Licensing of controlled substances act - continuation under sunset law. . .	SB 219	149
Psychotherapy services - treatment of a minor without parental consent - mental health education resource bank - appropriation.	HB 1120	151
Residential mental health facility - pilot program - appropriation.	HB 1160	152
Substance abuse prevention - pharmacy enhanced dispensing fee - health care providers with prescriptive authority - required training - receipt of benefits for prescriptions prohibited - access to prescription drug monitoring program - appropriation to address opioid and other substance use disorder priorities - office of behavioral health grant programs created - center for research into substance use disorder prevention, treatment, and recovery support strategies program created - perinatal substance use data linkage project created - report - appropriations.	SB 228	150
Wraparound services - child and youth behavioral health delivery system pilot program - standardized screening tools - single statewide referral and entry point - children and youth at risk of out-of-home placement or in an out-of-home placement - appropriation.	SB 195	148
Youth services - pilot program - second location - appropriation.	SB 136	148
Human Services - Social Services		
Aid to the needy disabled program - applications - navigation assistance - appropriation.	HB 1223	158
Child welfare allocations committee - membership composition.	SB 31	155
Child welfare - foster care prevention services - qualified residential treatment programs - federal compliance.	HB 1308	159

	Bill No.	Page No.
Colorado brain injury program - Colorado brain injury trust fund - board - appropriation.	HB 1147	157
Early childhood leadership commission - infant and family child care strategic action plan.	SB 63	155
Food stamp program - rule-making - appeal deadline.	SB 245	156
Immigration - refugee services.	SB 230	156
Medicaid - home- and community-based services - extend in-home support services waiver program.	SB 164	155
Protective services - access to records - clarifies disclosure of report to at-risk adult.	HB 1307	159
Protective services - access to records - information sharing between APS and CPS.	HB 1063	157
Title IV-E waiver demonstration project - extension - administrative costs in foster care proceedings - allocation of child welfare money to counties - appropriation.	SB 258	156
Insurance		
Automobile insurance policy disclosures - liability - appropriation.	HB 1283	167
Behavioral, mental health, and substance use disorders - parity in coverage - private insurance - medicaid - coverage of medication-assisted treatment - parity reporting requirements - compliance with federal law - complaints from ombudsman for behavioral health access to care - rules - appropriation.	HB 1269	165
Consumer insurance council - recreation - membership - meetings - expense reimbursement - sunset review.	HB 1150	160
Health care cooperatives - consumer protections - consumers negotiating rates.	SB 4	160
Health care cost analysis task force - creation - analysis of health care financing systems - report - gifts, grants, and donations - repeal - appropriation.	HB 1176	162
Health care coverage - prior authorization for health care services - publication of requirements and restrictions - deadline for making determination - required criteria - exceptions for compliant providers - duration of prior authorization - rules.	HB 1211	163
Health insurance - out-of-network health care services - disclosures - claims - reimbursement rates - deceptive trade practice - rules - appropriation.	HB 1174	162
Health insurance - required contract provisions between a carrier and a health care provider - payment of premiums - provision of benefits.	SB 41	160

	Bill No.	Page No.
Health insurance - required coverage - breast cancer screening with noninvasive imaging.....	HB 1301	169
Living organ donors - discrimination prohibited - duty to make information available to the public.....	HB 1253	165
Prescription insulin drugs - 30-day supply - cost-sharing cap - appropriation.	HB 1216	164
Primary care - collaborative created - affordability standards - targets - payment reform recommendations.....	HB 1233	164
Regulation of insurance companies - corporate governance annual disclosures.	HB 1291	168
Reinsurance program - creation - payments for high-cost insurance claims - program contingent on federal waiver or funding approval - special fees - premium tax revenues - other funding sources - cash fund created - appropriation - repeal.....	HB 1168	161
Labor and Industry		
Apprenticeship resource directory - creation - appropriation.	SB 171	171
Background checks - criminal history record check - name-based criminal history record check.	HB 1166	173
Employees - sharing gratuities - notice requirements.	HB 1254	174
Employment support and job retention services program - creation - administering entity - eligibility - appropriation.	HB 1107	173
Hiring practices - limitations on criminal history inquiries - exceptions - enforcement - appropriation.....	HB 1025	172
Just transition support for coal-related jobs - office created - advisory committee - just transition plan - workforce transition plan - report - sunset review - appropriation.	HB 1314	174
Minimum wage - local government to establish - limitations - enforcement - reports - eligible nursing facility provider reimbursement.....	HB 1210	173
Paid family and medical leave - study - task force created - appropriation.	SB 188	171
Self-contained breathing apparatus - testing and certification - administration by department of public safety - rule-making authority - appropriation.	SB 61	170
Wage discrimination based on sex - complaints - civil action - exceptions to prohibitions against wage differentials - prohibited acts of employer - employment announcements required - enforcement - rules.	SB 85	170

	Bill No.	Page No.
Motor Vehicles and Traffic Regulation		
Certificates of title - vehicle identification number - certified inspection - fee.....	HB 1300	181
Commercial driver's licenses - interstate commerce - 18 to 21 years of age.	SB 18	176
Dedicated electric vehicle charging stations - misuse - penalties.	HB 1298	180
Driver's licenses and other identification documents - persons not lawfully present - appropriation.	SB 139	177
Driver's licenses - foster children - automobile insurance - appropriation.	HB 1023	178
Drivers' licenses - renting or loaning a motor vehicle - use of electronic device for verification of driver's license.....	HB 1321	181
Electric scooters - regulation - authorizing use on roadways.....	HB 1221	179
Hazardous materials - routing for transport.	SB 32	176
Motor vehicle registration - license plates - women veterans - appropriation.	SB 205	178
Registration - fees and surcharges - appropriation.....	HB 1138	179
Registration - special license plates - Mesa Verde National Park.	HB 1255	180
Registration - special license plates - professional fire fighters - appropriation.....	SB 167	177
Registrations and certificates of title - electronic issuance - appropriation.	SB 256	178
Serious bodily injury to a vulnerable road user - appropriation.....	SB 175	177
Signals, signs, and markings - inoperable or malfunctioning signals - allowing a driver of a motorcycle to proceed past a malfunctioning traffic control signal.	SB 144	177
Surplus military vehicles - certificates of title - on-road and off-road use - appropriation.....	SB 54	176
Traction control equipment.	HB 1207	179
Traffic infractions - passing authorized snow plows in echelon formation - appropriation.....	HB 1265	180
Natural Resources		
Division of parks and wildlife - licensing of river outfitters - continuation under sunset law.....	SB 160	182
Forest restoration and wildfire risk mitigation grant program cash fund - appropriations.....	HB 1006	186
Hard rock mining - mined land reclamation board - reclamation plan - water quality treatment - financial assurance.....	HB 1113	189
Natural resources foundation fund.....	SB 70	182

	Bill No.	Page No.
Oil and gas operations - air quality regulation - local government authority - oil and gas conservation commission - composition - authority - financial assurance requirements - pooling - appropriation.	SB 181	182
Parks and wildlife - increased fines - disposition of fines collected.	HB 1026	186
River outfitter advisory committee - continuation under sunset law.	SB 162	182
Species conservation trust fund projects - appropriation - transfers.	HB 1259	189
 Probate, Trusts, and Fiduciaries		
Directed trusts - Colorado Uniform Directed Trust Act.	SB 105	191
Estate planning documents - abandoned documents - preservation.	HB 1229	191
 Professions and Occupations		
Advanced practice nurses with prescriptive authority - workers' compensation - ability to obtain level I accreditation.	HB 1105	200
Athlete agents - registration required - sunset review - appropriation.	SB 99	192
Athletic trainers - regulation - change from registration to licensing.	HB 1083	198
Barbers, cosmetologists, estheticians, nail technicians, and hairstylists - examination for license - foreign work experience substitute - rules.	HB 1290	204
Colorado medical practice act - continuation under sunset law - pro bono license - letter of admonition - repeal.	SB 193	196
Community association managers - reinstatement of licensing program - stakeholder process to recommend changes.	HB 1212	202
Electricians - local inspection fees - limitations.	HB 1035	197
Genetic counseling - new licensure requirement - sunset review - appropriation.	SB 133	193
Health care - required head trauma guidelines for organized school athletic activities - physical therapists may authorize youth athletes' return to play.	HB 1208	202
Medical practice - physician assistants - supervision requirements - liability - representation on Colorado medical board - appropriation.	HB 1095	199
Passenger tramway safety board - continuation under sunset law.	SB 159	196
Pharmacies - authority of hospice or convalescent center to operate as a pharmacy.	HB 1109	200
Pharmacists - chronic maintenance drugs - dispense without prescription.	HB 1077	198
Pharmacy technicians - regulation by state board of pharmacy - certification - provisional certification - criminal history record checks - renewal - continuing education - unprofessional conduct - discipline - supervision by pharmacist - authorized activities - sunset review - appropriation.	HB 1242	203

	Bill No.	Page No.
Physicians - mental health care providers - conversion therapy for minors prohibited - disciplinary action.	HB 1129	200
Plumbing - registrants' demonstration of competency upon reinstatement - inspections.	HB 1086	198
Podiatrists - regulation by podiatry board - grounds for discipline - examination requirement - letters of admonition - authority to perform bone marrow aspirations - continuation under sunset law.	SB 153	193
Prescribing health care practitioners - electronic prescribing of controlled substances - exceptions.	SB 79	192
Professional review committees - knowledge of reporting data - requirement to update information - rules - original source documents - committee membership - requirement to notify medical and nursing board - continuation under sunset law.	SB 234	197
Professions and occupations - organizational recodification of laws. . . .	HB 1172	201
Psychiatric technicians - regulation by state board of nursing - grounds for discipline - continuation under sunset law.	SB 154	194
Real estate appraisers - appraisal management companies - definition. . . .	SB 46	192
State board of accountancy - continuing education requirements - continuation under sunset law.	SB 155	194
State electrical board - continuation under sunset law - contemporaneous reviews.	SB 156	195
Property		
Certification of factory-built structures - insignias of approval.	HB 1238	209
Mobile Home Park Act - enforcement powers of local governments - added protections for mobile home owners - dispute resolution and enforcement program - powers of division of housing.	HB 1309	210
Property - rights-of-way and ditches - extent of right-of-way.	HB 1082	206
Revised uniform unclaimed property act.	SB 88	205
Tenants and landlords - bed bugs in residential premises.	HB 1328	210
Tenants and landlords - rental application process.	HB 1106	207
Tenants and landlords - warranty of habitability - breach of warranty - tenants' remedies.	HB 1170	208
Titles and interests - deeds for the conveyance of real property - standard forms - terms of warranty and exceptions.	HB 1098	207
Unclaimed property trust fund - transfer - general fund.	SB 261	206
Water conservation - use of xeriscape and other drought-tolerant landscaping - common interest communities - special districts.	HB 1050	206

	Bill No.	Page No.
Public Utilities		
Electric utilities - electric vehicles - charging ports and related infrastructure - cost recovery for investments - limitation on rate impact.	SB 77	213
Electric utilities - solar energy - community solar gardens - allowable size and location - standards for construction and installation of components.	HB 1003	217
Electric utility easements - installation of broadband facilities in easements - broadband suppliers' provision of broadband using facilities - notice requirements - conditions.	SB 107	214
Internet service providers - state-funded broadband deployment - state procurement preferences - open internet requirements to receive state funds or contracts - complaints to federal trade commission.	SB 78	213
Public utilities commission - continuation under sunset law - distribution system planning - workforce transition planning - clean energy plan - wholesale electric cooperative electric resource plan - vehicle booting regulation - energy impact bonds - rules - appropriation.	SB 236	215
Public utilities commission - railroads - freight trains - number of crew members required - exemptions - definitions - fines.	HB 1034	218
Telecommunications - assistance to customers with disabilities - talking book library - appropriation.	HB 1332	218
Revenue - Activities Regulation		
Alcohol beverage regulation - formation of entertainment districts.	SB 141	220
Alcohol beverages - fermented malt beverage licenses - sale for consumption on and off the licensed premises - continued availability in rural areas..	SB 28	219
Alcohol beverages - hard cider - exclusion from Colorado Wine Industry Development Act - exemption from excise tax on produce - appropriation.	SB 142	220
Alcohol beverages - removal of dual licensing requirement - fermented malt beverage and malt liquor manufacturers, wholesalers, and importers. . .	SB 11	219
Alcohol regulation - licensed premises - National Western Center.	SB 200	220
Automotive sales - business disposal license - grounds for discipline - right of action for loss - appropriation.	SB 249	224
Gambling - betting on sports events - legalization - creation of division of sports betting - rule-making authority - taxation - submission of ballot issue under Taxpayers' Bill of Rights - allocation of tax revenues - appropriation.	HB 1327	229

	Bill No.	Page No.
Licensed marijuana ownership - allow publicly traded corporations - controlling beneficial owners, indirect financial interest holders, and passive beneficial owners - rule-making authority - suitability finding - notification, disclosure, notice requirements - appropriation.	HB 1090	226
Lottery winnings offsets - court fines, fees, costs, or surcharges.	HB 1128	227
Marijuana - hospitality establishments - retail hospitality spaces and sales establishments - marijuana hospitality establishment licensing - rules - appropriation.	HB 1230	228
Medical marijuana - disabling medical conditions - autism spectrum disorders.	HB 1028	225
Medical marijuana - disabling medical conditions - conditions for which a physician could prescribe an opioid.	SB 13	219
Medical marijuana program - physician relationship - primary caregiver relationship - dentist or advanced practice practitioner make recommendations - card validity length - health effects panel conflict disclosures - sunset - appropriation.	SB 218	221
Motor vehicle and powersports vehicle sales - licenses - wholesalers. . . .	HB 1286	229
Regulated marijuana - delivery - rule-making authority - surcharge - limitations - local authorization - appropriation.	HB 1234	228
Regulated marijuana - reorganization - sunset - appropriation.	SB 224	221
Regulation of cigarettes, tobacco products, or nicotine products - local government regulation - state cigarette tax revenue apportionment to local governments - local governments' special sales taxes.	HB 1033	225
Statutes		
Enactment of Colorado Revised Statutes 2018.	SB 58	231
Revisor's Bill.	SB 241	231
Taxation		
Charitable organizations - tax exempt sales.	HB 1323	240
Child care expenses - income tax credit - individuals with low income - extension.	HB 1013	235
Enforcement measures available for the collection of delinquent taxes - department of revenue.	SB 35	233
Income tax - affordable housing tax credit - increase in aggregate amount of tax credits that may be allocated annually.	HB 1228	237
Income tax - combined reporting.	SB 233	234

	Bill No.	Page No.
Income tax - credit for donation of conservation easement - extend repeal of conservation easement oversight commission and easement holder certification program - alternative valuation method - conservation easement working group - disclosure form - access to COMaP.	HB 1264	239
Income tax credit - health care preceptors working in health care professional shortage areas - definition of "preceptorship" - continuation under the sunset law.	HB 1088	236
Income tax - credit - innovative motor vehicles.	HB 1159	236
Income tax - retrofits to an individual's residence for increased visitability - tax credit available for qualified individual's dependent.	HB 1135	236
Income tax - tax credit - eligible early childhood educators.	HB 1005	234
Income tax- military service - reacquisition of residency.	SB 29	233
Manufactured homes - sales tax exemption clarification.	HB 1011	235
Property tax - alternate protest and appeal procedures - notice and information for taxpayer - information taxpayer provides county.	HB 1175	237
Property tax - residential assessment rate.	SB 255	234
Returns - electronic filing and payment.	HB 1256	238
Sales and use tax - changes in law applicable to the state and state collected local governments - establishing economic nexus - codifying destination sourcing - establishing an exception to destination sourcing - requiring marketplace facilitators to collect and remit sales tax on behalf of marketplace sellers.	HB 1240	237
Sales and use tax - sourcing method for development of electronic sales and use tax simplification system.	SB 6	232
Sales and use tax - wholesale sales - agricultural commodities - fertilizer and spray adjuvants.	HB 1329	240
Severance tax operational fund - distribution - core departmental programs - natural resources and energy grant programs - reserve requirement - cap - transfer to the severance tax perpetual base fund.	SB 16	232
State sales tax exemption for farm equipment - extension - applicability to local sales taxes.	HB 1162	236
When taxpayers must pay taxes via electronic funds transfer - consistent approach - timing of deadlines - department of revenue.	SB 24	233
Transportation		
Consulting engineer contracts for transportation projects - study by efficiency and accountability committee - report.	SB 76	241

	Bill No.	Page No.
General fund transfer to highway users tax fund for state fiscal year 2019-20.	SB 262	243
Impacts of new and emerging transportation technologies and business models - stakeholder group examination and policy recommendations report - department of transportation report and recommendations - rules.	SB 239	242
Intrastate air carriers - reports to aeronautics division.	HB 1209	244
Prerequisites for land acquisition - department of transportation.	SB 17	241
Submission of statewide ballot issue for approval of transportation revenue anticipation notes - delay from 2019 to 2020.	SB 263	243
Water and Irrigation		
Colorado water conservation board construction fund - project and loan authorizations - appropriations - transfers.	SB 221	245
Republican river water conservation district - expansion of boundaries - board of directors - composition and meeting schedule.	HB 1029	246
State water plan - grant program - appropriations.	SB 212	245